AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 101

Washington, Saturday, May 23, 1942

The President

EXECUTIVE ORDER 9168

ESTABLISHING MATAGORDA BAY DEFENSIVE SEA AREA

By virtue of the authority vested in me by the provisions of section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96), it is hereby ordered as follows:

The following described area is hereby established and reserved, for purposes of national defense, as a defensive sea area, to be known as "Matagorda Bay Defensive Sea Area":

All territorial waters of Matagorda Bay, Texas, including Trepalacios Bay but not restricted thereto, together with all approaches thereto and tributaries thereof from the contour line of extreme high water as shown on the U. S. C. and G. S. chart No. 1284.

At no time shall vessels or other craft be navigated within such area unless specific permission therefor is first obtained, in the manner prescribed by him, from the Secretary of War or from the officer designated by him. Although such permission has been obtained, a vessel entering or navigating the waters of the Matagorda Bay Defensive Sea Area does so at its own risk, and shall obey all instructions received from the United States Army or other United States authority.

The movements of vessels within the Matagorda Bay Defensive Sea Area shall be subject to supervision, either through surface craft or aircraft.

All United States Government authorities shall place at the disposal of the Army authorities their facilities for aiding in the enforcement of these regulations.

Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States Army authority, or perform any act threatening the efficiency of Army training or defenses or the safety of navigation, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to prosecution as provided for in section 44 of the Criminal Code, as amended (U.S.C., title 18, sec. 96).

The Secretary of War shall be charged with the publication and enforcement of these regulations, and he may prescribe such additional regulations as may be necessary to meet local conditions.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 20, 1942.

[F. R. Doc. 42-4699; Filed, May 21, 1942; 3:18 p. m.]

EXECUTIVE ORDER 9169

POSSESSION RELINQUISHED OF PLANTS OF BREWSTER AERONAUTICAL CORPORATION

WHEREAS, by Executive Order No. 9141 dated the 18th day of April, 1942,[1] the Secretary of the Navy was authorized and directed by the President to take possession of and operate the plants of Brewster Aeronautical Corporation located at Long Island City, New York, Newark, New Jersey, and Johnsville, Pennsylvania, to produce the war materials called for by the Company's contracts with the United States, its departments and agencies, or as may be otherwise required for the war effort, and to do all things necessary or desirable to that end; and

WHEREAS, on the 20th day of April, 1942, the Secretary of the Navy acting pursuant to said direction took and has retained possession of said plants of Brewster Aeronautical Corporation; and

WHEREAS said Executive Order provides that possession and operation thereunder shall be terminated by the President as soon as he determines that the plants of Brewster Aeronautical Corporation will be privately operated in a manner consistent with the war effort; and

[1] 7 F.R. 2961.

CONTENTS

THE PRESIDENT

	Page
EXECUTIVE ORDERS:	
Brewster Aeronautical Corp., possession relinquished	3841
Canal Zone, enlargement of naval radio station	3842
Matagorda Bay Defensive Sea Area, establishment	3841
Virgin Islands, applicability of certain navigation laws	3842
CLARIFICATION AND INTERPRETATION:	
Functions of State Department and Board of Economic Warfare	3843

REGULATIONS

AGRICULTURAL MARKETING ADMINISTRATION:	
Columbia Sales Pavilion, notice under Packers and Stockyards Act	3843
BITUMINOUS COAL DIVISION:	
Minimum price schedules amended:	
District 4	3844
District 8	3847
District 10	3849
CIVIL AERONAUTICS BOARD:	
Airport-to-airport mileage record adopted	3844
FEDERAL TRADE COMMISSION:	
Etablissements Rigaud, Inc., et al., cease and desist order	3844
HOME OWNERS' LOAN CORPORATION:	
Appraisal fees	3844
OFFICE OF PRICE ADMINISTRATION:	
Bags, second hand; price regulation amended	3855
China and pottery, price regulation amended	3858
Fuels, miscellaneous solid; price regulation amended	3856
Rice, milled; maximum prices	3856
VETERANS ADMINISTRATION:	
Dependents' claim adjudication; burial and funeral expenses, etc	3859
WAR PRODUCTION BOARD:	
Arsenic, preference order	3854
Chemicals, preference rating order amended	3850

(Continued on next page)

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.25 per month or $12.50 per year, payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C. The charge for single copies (minimum, 10¢) varies in proportion to the size of the issue.

CONTENTS—Continued

	Page
WAR PRODUCTION BOARD—Con.	
Chlorine and products containing chlorine, preference order corrected	3850
Glass container and closure simplification, limitation order amended	3854
Imports, additions to general order	3850
Laundry, dry cleaning, pressing equipment, limitation order amended	3852
Lawn mowers, limitation order amended	3852
Leather, sole, preference order amended	3851
Plumbing and heating equipment, limitation order interpreted	3852
Refrigerators, domestic mechanical; rationing authority delegation amended	3849
Sextants, limitation order interpreted	3852
Tantalum, general preference order	3855
Toluene, preference order amended	3850
NOTICES	
BITUMINOUS COAL DIVISION:	
Hearings, postponements, etc.:	
Continental Coal Co	3861
Hickey, G. C., Coal Co	3861
Pierce & Huntsman	3862
Public Service Co. of Indiana	3863
Ramsay-Collins Fuel Co	3862
Sneed, Thos., Coal Co	3863
Wheeling Valley Coal Corp., and Cove Hill Coal Co	3862
CIVIL AERONAUTICS BOARD:	
Pan American-Grace Airways, Inc., hearing	3863
FEDERAL POWER COMMISSION:	
Illinois Commerce Commission, et al., hearing resumed	3863

CONTENTS—Continued

	Page
OFFICE OF DEFENSE TRANSPORTATION:	
Coordinated operation of motor passenger carriers between New York and Washington	3863
WAR DEPARTMENT:	
Approval of purchases or exchanges of motor passenger vehicles	3861

WHEREAS it now appears, and the President does so determine, that said plants will be privately operated in a manner consistent with the war effort:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander in Chief of the Army and Navy of the United States, hereby direct the Secretary of the Navy to relinquish possession of said plants to Brewster Aeronautical Corporation, and to issue the necessary orders for carrying out the aforesaid direction.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 20, 1942.

[F. R. Doc. 42-4698; Filed, May 21, 1942; 3:18 p. m.]

EXECUTIVE ORDER 9170

MAKING CERTAIN NAVIGATION LAWS OF THE UNITED STATES APPLICABLE TO THE VIRGIN ISLANDS

WHEREAS section 4 of the act of Congress of June 22, 1936, entitled "An Act to provide a civil government for the Virgin Islands of the United States" (49 Stat. 1807, 1808), as amended by the act of August 7, 1939 (53 Stat. 1242), provides in part as follows:

(c) No Federal laws levying tonnage duties, light money, or entrance and clearance fees shall apply to the Virgin Islands.

(d) The Legislative Assembly of the Virgin Islands shall have power to enact navigation, boat inspection, and safety laws of local application; but the President shall have power to make applicable to the Virgin Islands such of the navigation, vessel inspection, and coastwise laws of the United States as he may find and declare to be necessary in the public interest, and, to the extent that the laws so made applicable conflict with any laws of local application enacted by the Legislative Assembly, such laws enacted by the Legislative Assembly shall have no force and effect.

AND WHEREAS I find that it is necessary in the public interest that certain navigation and vessel inspection laws of the United States be made applicable to the Virgin Islands, as hereafter stated:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory provisions above set forth, it is ordered that all of the navigation and vessel inspection laws of the United States be, and they are hereby, made applicable to the Virgin Islands of the United States, with the following exceptions:

(1) The coastwise laws of the United States.

(2) The act of Congress approved June 7, 1897 (30 Stat. 96), as amended by the acts of February 19, 1900 (31 Stat. 30), May 25, 1914 (38 Stat. 381), March 1, 1933 (47 Stat. 1417), August 21, 1935 (49 Stat. 668, 669), May 20, 1936 (49 Stat. 1367), and April 22, 1940 (54 Stat. 150).

(3) So much of the vessel inspection laws of the United States as requires the inspection as a passenger vessel of any cargo vessel, foreign or domestic, when carrying more than twelve passengers or persons in addition to the crew.

(4) Federal laws levying tonnage duties, light money, or entrance and clearance fees.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 21, 1942.

[F. R. Doc. 42-4732; Filed, May 22, 1942; 11:41 a. m.]

EXECUTIVE ORDER 9171

ENLARGING THE NAVAL RADIO STATION, SUMMIT, CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code approved June 19, 1934, and as President of the United States, Executive Order No. 7399 of June 23, 1936,[1] establishing in the Canal Zone a naval reservation to be known as United States Naval Radio Station, Summit, Canal Zone, is hereby amended by adding to the area described therein the following-described area of land in the Canal Zone, subject to the conditions prescribed in that order:

Beginning at an 8 inch square concrete monument (marked "A" on Panama Canal Drawing No. 6110-14) located 30 feet, more or less, southwest from edge of the macadam pavement of Gaillard Highway, the geographic position of which, referred to the Canal Zone triangulation system, is in north latitude 9°04′ plus 806.2 feet and in longitude west from Greenwich 79°39′ plus 4828.5 feet;

Thence from said initial point by metes and bounds:

S. 33°45′00″ W., 1139.5 feet to an 8 inch square concrete post monument, marked "B" on the map (iron rod in concrete monuments A-1 and A-2, being in line the following successive distances from the beginning of the course: 448.8 feet and 503.9 feet);

N. 46°00′00″ W., 993.0 feet to an 8 inch square concrete post monument marked "C" on the map (iron rod in concrete monuments B-1 and B-2, being in line the following successive distances from the beginning of the course: 199.7 feet and 148.5 feet);

N. 15°30′00″ E., 856.1 feet to an 8 inch square concrete post monument, marked "D" (iron rod in concrete monuments C-1 and C-2, being in line the following successive distances from the beginning of the course: 376.9 feet and 223.4 feet);

N. 79°30′00″ E., 635.3 feet to an 8 inch concrete post monument, marked "E" on the map, located 30 feet, more or less, westerly from the edge of the macadam pavement of Gaillard Highway (iron rod in concrete monuments D-1, D-2, and D-3, being in line the following successive distances from the beginning of the course: 337.9 feet, 46.1 feet, and 146.6 feet);

[1] 1 F.R. 765.

S. 8°44'15" E., 274.5 feet along the westerly side of Gaillard Highway to an 8 inch square concrete post monument, marked "F" on the map (iron rod in concrete monument E-1, being in line 202.3 feet from the beginning of the course);

S. 47°42'45" E., 611.7 feet along the southwesterly side of Gaillard Highway to the point of beginning (iron rod in concrete monument, marked F-1 on the map, being in line 180.6 feet from the beginning of the course).

The directions of the lines refer to the true meridian.

The above-described tract contains an area of 29.21 acres, more or less, and is shown on Panama Canal Drawing No. 6110-14 on file in the office of the Governor of The Panama Canal and the Judge Advocate of the Navy.

The survey was made in March, 1942, by the Section of Surveys, Office Engineering Division, The Panama Canal.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
May 21, 1942.

[F. R. Doc. 42-4731; Filed, May 22, 1942; 11:41 a. m.]

CLARIFICATION AND INTERPRETATION OF EXECUTIVE ORDER NO. 9128 OF APRIL 13, 1942, IN RESPECT OF CERTAIN FUNCTIONS OF THE DEPARTMENT OF STATE AND THE BOARD OF ECONOMIC WARFARE

The following will clarify certain relations and functions of the Department of State and the Board of Economic Warfare in the administration of the President's Executive Order No. 9128[1] regarding the Board and provide for cooperative action between them.

It is contemplated that meetings of the Board will be held at least every two weeks. An agenda for each meeting will be circulated in advance, and each member of the Board is free to raise questions upon his own initiative.

In the making of decisions, the Board and its officers will continue to recognize the primary responsibility and position, under the President, of the Secretary of State in the formulation and conduct of our foreign policy and our relations with foreign nations. In matters of business judgment concerned with providing for the production and procurement of materials to be imported into this country for the war effort, including civilian supply, the Department will recognize the primary responsibility and position of the Board. In many cases a decision may involve both matters of foreign policy and business judgment in varying degrees. No clear-cut separation is here possible. Accordingly, if occasions arise in which proposed action of the Board or its officers is thought by officials of the State Department to be at variance with essential considerations of foreign policy, the Secretary of State and the Chairman of the Board will discuss such matters and reach a joint decision, in matters of sufficient importance obtaining direction from the President.

[1] 7 F.R. 2809.

The Board will continue to recognize that it is the function of the Department of State to conduct or authorize the conduct of all negotiations with foreign governments in Washington and abroad. In negotiations relating to the production and procurement of commodities intended for import in accordance with the President's Executive Order, the State Department will recognize the necessity for the participation of representatives of the Board in order that the latter may adequately discharge its responsibilities. In short, for the effective exercise of the functions both of the Board and the Department, it is essential that from the inception of any project there be complete exchange of information, mutual consultation and mutual confidence.

In negotiations regarding lend-lease master agreements, subsidiary agreements, and arrangements for their implementation, including reciprocal aid to the United States, the Department will obtain the advice, and with respect to the importation of materials and commodities (other than arms and munitions) will obtain the participation of the Board and keep it fully informed.

Missions and individuals desired by the Board to be sent to the field shall be agreed upon by the State Department and the Board in the light of their common desire to increase to the maximum the war effort. The Board will recognize that all functions which are being or can be performed through the regular or auxiliary Foreign Services of the Department should be so performed. The persons and missions which the Board contemplates being sent to the field, other than through the services mentioned, are those needed for the specialized technical and operational functions connected with production and procurement. The Department of State will recognize the need for sending such persons. In exceptional circumstances the Board and the State Department will collaborate in sending joint missions on problems arising from export control or the general economic warfare activities of this Government.

The Board will recognize that persons sent abroad, as provided above, shall be authorized by the Secretary of State, shall assume the status directed by the Secretary of State, and in this respect be subject to the jurisdiction of the Secretary of State. The Chief of the United States Diplomatic Mission in a foreign country is the officer of the United States in charge in that country under whose supervision are coordinated the activities there of all the official representatives of the United States. All negotiations abroad with foreign governments or officials should be conducted by or under the direction of the Chief of the Diplomatic Mission in the manner described above applicable to negotiations in which the Department and the Board participate. All activities should be fully reported to the Chief of the Diplomatic Mission and be conducted under his advice and instructions. He will respect the position of the Board's representatives in matters of technical and business judgment and, should questions arise that cannot be settled by agreement in the field, which should rarely be the case, they will be reported through the State Department and settled by the Secretary of State and the Chairman of the Board.

All communications to and from persons or missions sent abroad shall be through the facilities of the Department of State and diplomatic missions unless other means are agreed upon between the Board and the Department of State. The Department will do its utmost to provide expeditious means for such communications.

Both the Department of State and the Board of Economic Warfare and their officers recognize in the present emergency the need for speed in action and the importance of avoiding all delay in the decision of important matters.

FRANKLIN D ROOSEVELT,
President of the United States.

MAY 20, 1942.

[F. R. Doc. 42-4700; Filed, May 21, 1942; 3:18 p. m.]

Regulations

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO COLUMBUS SALES PAVILION, COLUMBUS, NEBRASKA[1]

MAY 21, 1942.

Whereas, in accordance with the provisions of section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. § 202 (b)), the Secretary of Agriculture posted the stockyard known as the Columbus Livestock Sales Pavilion, Columbus, Nebraska, as being subject to the provisions of said Act; and

Whereas, it appears that said stockyard is now known as Columbus Sales Pavilion, and is being operated by M. H. Van Berg, doing business as the Columbus Sales Pavilion:

Therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is the Columbus Sales Pavilion, Columbus, Nebraska.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-4720; Filed, May 22, 1941; 11:14 a. m.]

---

[1] Modifies list posted stockyards 9 CFR 204.1.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2656).

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial Number 222]

PART 202—ACCOUNTS, RECORDS AND REPORTS

ADOPTION OF AN OFFICIAL DIRECT AIRPORT-TO-AIRPORT MILEAGE RECORD

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 18th day of May 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly section 205 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

§ 202.4 *Direct airport-to-airport mileage record.* The direct airport-to-airport mileage record now maintained, and as hereafter amended or revised from time to time, by the Tariffs and Schedules Section of the Economic Bureau of the Civil Aeronautics Board in the regular performance of its duties, is hereby adopted as the official mileage record of the Board and the mileages set forth therein shall be used in all instances where it shall be necessary to determine direct airport-to-airport mileages pursuant to the provisions of Titles IV and X of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board pursuant thereto.

This section shall become effective May 28, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-4735; Filed, May 22, 1942; 11:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3337]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ETABLISSEMENTS RIGAUD, INC. ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Domestic product as imported:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Domestic product as imported.* In connection with offer, etc., in commerce, of perfumes, (1) representing, through the use of the term "Paris," or "Paris, France" or any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes which are made or compounded in United States are made or compounded in France or in any other foreign country; and (2) using the terms "Un Air Embaume", "Rigaud", "Igora", or any other French or other foreign words or terms as brand or trade names for perfumes made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States; prohibited, subject to the provision, however, as respects said first prohibition that the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45i) [Modified cease and desist order, Etablissements Rigaud, Inc. et al., Docket 3337, May 20, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of May, A. D. 1942.

This proceeding coming on for further hearing before the Federal Trade Commission and it appearing that on September 27, 1939 the Commission made its findings as to the facts herein and concluded therefrom that the respondents Etablissements Rigaud, Inc. and E. Fougera and Company, Inc., corporations, have violated the provisions of section 5 of the Federal Trade Commission Act and issued and subsequently served its order to cease and desist; and it further appearing that on February 4, 1942 the United States Circuit Court of Appeals for the Second Circuit rendered its opinion, and on February 24, 1942, issued its final decree affirming the aforesaid order of the Commission by modifying said order in certain particulars;

Now, therefore, pursuant to the provisions of subsection (i) of Section 5 of the Federal Trade Commission Act, the Commission issues this its modified order to cease and desist in conformity with the said decree:

It is ordered, That the respondents Etablissements Rigaud, Inc., and E. Fougera and Company, Inc., their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of perfumes in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, through the use of the term "Paris," or "Paris, France" or any other terms, words, symbols or picturizations indicative of French or other foreign origin of such products, or in any manner that perfumes which are made or compounded in United States are made or compounded in France or in any other foreign country: *Provided, however,* That the country of origin of the various ingredients thereof may be stated when immediately accompanied by a statement that such products are made or compounded in the United States.

(2) Using the terms "Un Air Embaume", "Rigaud", "Igora", or any other French or other foreign words or terms as brand on trade names for perfumes made or compounded in the United States without clearly and conspicuously stating in immediate connection and conjunction therewith that such products are made or compounded in the United States.

It is further ordered, That the respondents Etablissements Rigaud, Inc., and E. Fougera and Company, Inc. shall within thirty (30) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-4718; Filed, May 22, 1942; 10:47 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 57]

PART 404—APPRAISAL SECTION

APPRAISAL FEES

The first paragraph of § 404.02 is amended to read as follows:

§ 404.02 *Appraisal fees.* The Chief Appraiser shall have authority, with the approval of the General Manager, to establish a schedule, or schedules of appraisal fees, and to revise the same from time to time. The Chief Appraiser is authorized to contract for appraisal services as may be required. (Secs. 4 (a), 4 (k), 48 Stat. 129, 132, as amended by sec. 13, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

* * * * *

Effective May 1, 1942.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-4704; Filed, May 22, 1942; 9:56 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1420]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

DISTRICT BOARD 4, RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of district board No. 4 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 4.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the price classifications and minimum prices established for the coals of Mine Index No. 678 shall be effective only for shipments on the Baltimore & Ohio Railroad from Quaker City, Ohio, and shall no longer be applicable for shipments on the Baltimore & Ohio Railroad from Salesville, Ohio. All allowances or adjustments required or permitted mines in Freight Origin Group No. 13 shall be applicable for such shipments of the coals of Mine Index No. 678 on the Baltimore & Ohio Railroad from Quaker City, Ohio.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of Mine Index No. 2950 for the reason that minimum prices were established in Docket No. A–1230 for the coals of this mine for truck shipments.

Dated: May 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
387	Bailey Run Coal Co., The c/o C. C. McDonald.	Bailey Run	8	8	Deep	Rutland	NYC	25	K	K	O	O	O	O	Q	Q	Q			Q
3021	Brown, Charles W	Walton	4	Harlem	Strip	Carrollton	WLE	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q		Q
3031	Buckeye Coal Mining Company, Inc., The (H. H. Pierson).	Fife	4	6	Strip	Lisbon	Erie	71	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q		Q
1368	Callahan Mining Co	Callahan	4	6	Deep	Salem	PRR	72	Q	Q	Q	Q	O	O	Q	Q	Q			Q
3013	Carillon Coal Co. (Calvin Carillon).	Barrick	4	7A	Strip	Sherrodsville	WLE	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q		Q
2961	Cooperative Mining Association (Maynard R. McDaniel).	Big Four Hollow No. 1.	5	8	Deep	Zaleski	B&O	41	K	K	O	O	O	O	Q	Q	Q			Q
2185	Funari, Premo R. (Clean Coal Co.).	Clean Coal Co	1	8	Deep	Gaylord Mine (Martins Ferry).	PRR	15	O	O	O	O	O	O	O	O	O			O
401	Hoy, Wm	Hoy No. 2	5	6	Deep	Shawnee	NYC	27	K	K	O	O	O	O	Q	Q	Q			Q
2567	Houser & Stevens (Willard Houser).	Houser No. 1	7	7	Strip	Buckeye Branch (Wellston).	B&O	41	K	K	O	O	O	O	Q	Q	Q	Q		Q
381	Jacobs, Pearl	Jacobs No. 2	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	Q	Q	Q			Q
1092	Vance, Lester M	Downey	7	1	Deep	Jackson	DT&I	42	O	O	O	O	O	O	O	O	O			O
2977	Williams, Lawrence (Keystone Coal Co.).	Keystone #1 (deep)	6	6	Deep	Crooksville	NYC	32	O	O	O	O	O	O	Q	Q	Q			Q
2788	Woolett Coal Company (Clarence Woolett, Sr.).	Woolett	6	6	Deep	Shawnee	NYC	27	O	O	O	O	O	O	Q	Q	Q			Q

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Sub-district No.
381	Jacobs No. 2	Jacobs, Pearl	Pomeroy	23	C&O	8
387	Bailey Run	Bailey Run Coal Co., The, c/o C. C. McDonald.	Pomeroy	25	NYC	8
401	Hoy No. 2	Hoy, Wm	Hocking	27	NYC	5
1092	Downey	Vance, Lester M	Jackson	42	DT&I	7
1368	Callahan	Callahan Mining Co	Leetonia	72	PRR	4
2185	Clean Coal Co	Funari, Premo R. (Clean Coal Co.).	Ohio No. 8	15	PRR	1
2567	Houser No. 1	Houser & Stevens (Willard Houser).	Jackson	41	B&O	7
2788	Woolett	Woolett Coal Co. (Clarence Woolett, Sr.).	Hocking	27	NYC	6
2961	Big Four Hollow No. 1	Cooperative Mining Association (Maynard R. McDaniel).	Jackson	41	B&O	5
2977	Keystone #1 (deep)	Williams, Lawrence (Keystone Coal Co.).	Crooksville	32	NYC	6
3013	Barrick	Carillon Coal Co. (Calvin Carillon).	Middle	55	WLE	4
3021	Walton	Brown, Charles W	Middle	55	WLE	4
3031	Fife	Buckeye Coal Mining Co., Inc., The (H. H. Pierson).	Leetonia	71	Erie	4

§ 324.2 *Seasonal discounts*—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index Nos.	Amount of discount for shipments during the month of—				
					April	May	June	July	Aug.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index No. 2185.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index No. 401.	50	40	30	20	10
	26, 27		83, 141	Add mine index No. 2788.	30	20	10	---	---
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index Nos. 381, 387.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 2977.	30	20	10	---	---
Jackson	41		25	Add mine index No. 2567.	50	40	30	20	10
	41		39, 136	Add mine index No. 2961.	50	40	30	20	10
	41, 42, 44		58, 72, 142	Add mine index No. 1092.	30	20	10	---	---
Middle	55		5, 48, 110	Add mine index Nos. 3013, 3021.	30	20	10	---	---
Leetonia	71	Add 72	53	Add mine index No. 1368.	30	20	10	---	---
	72, 74	Add 71	3, 77, 159, 166	Add mine index No. 3031.	30	20	10	---	---

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—see Schedule of Effective Minimum Prices, §§ 324.9 and 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index numbers	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add mine index No. 2185.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add mine index No. 401.
	26, 27		83, 141	Add mine index No. 2788.
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 381, 387.
Crooksville	21, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165.	Add mine index No. 2977.
Jackson	41		25	Add mine index No. 2567.
	41		39, 136	Add mine index No. 2961.
	41, 42, 44		58, 72, 142	Add mine index No. 1092.
Middle	55		5, 48, 110	Add mine index Nos. 3013, 3021.
Leetonia	71	Add 72	53	Add mine index No. 1368.
	72, 74	Add 71	3, 77, 159, 166	Add mine index No. 3031.

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—see Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 116, 121, 124, 128, 134, 136, 144, 146, 147, 151, 155, 157, 160, 162.	Add mine index No. 2961.
	8, 25, 133, 153, 161	Add mine index No. 2567.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add mine index No. 381.
Detroit, Toledo & Ironton Railroad Co.	2, 72, 142	Add mine index No. 1092.
Erie Railroad	53	Add mine index No. 3031.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add mine index Nos. 387, 401, 2788, 2977.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add mine index Nos. 1368–2185.
Wheeling & Lake Erie Railway Co.	5, 12, 37, 48, 110, 119	Add mine index Nos. 3013–3021.
Akron, Canton & Youngstown Railway Co.	From all Mine Index Nos. except those shown below.	Add mine index Nos. 381, 387, 401, 1092, 1368, 2185, 2788, 2961, 2977.
Ann Arbor Railroad Co		
Canadian National Railways and Grand Trunk Railway System.		
Canadian Pacific Railway Co		
Detroit and Mackinac Railway Company.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 2567, 3013, 3021, 3031.
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co		

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R-V—Continued

Name of railroad	Mine index Nos.	Additional mine index Nos.
For all railroads not shown above	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 381, 387, 401, 1092, 1368, 2185, 2788, 2961, 2977. Add mine index Nos. 2567, 3013, 3021, 3031.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" hump	3", 4", 5" hump	2" hump	2" x 4" egg, 2" x 5" egg	1¼" hump, 1¼" x 4" egg	Mine run, nut, and pea	2" x 0 slack	⅜" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO											
HARRISON COUNTY											
Mallernee, J. B	Mallernee	395(D)	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY											
Klan, Frank		394(D)	8	285	275	260	235	230	220	200	190
SUBDISTRICT NO. 4—MIDDLE											
CARROLL COUNTY											
Brown, Charles W	Walton	3021(S)	Harlem	275	265	250	235	235	220	190	180
COLUMBIANA COUNTY											
Buckeye Coal Mining Company, Inc., The (H. H. Pierson).	Fife	3031(S)	6	300	290	275	250	245	225	205	195
Zimmerman, Dean K	Zimmerman	382(D)	4	300	290	275	250	245	235	205	195
TUSCARAWAS COUNTY											
Everett, Ralph (Oak Grove Coal Mine)	Oak Grove	38 (D)	6	275	265	250	235	235	220	190	180
SUBDISTRICT NO. 5—HOCKING											
HOCKING COUNTY											
Stevens, Alva	Stevens	384(D)	6	295	285	275	250	245	195	165	155
PERRY COUNTY											
Hoy, Wm	Hoy No. 2	401(D)	6	295	285	275	250	245	195	165	155
Opperman Bros. Coal Co. (Harry Opperman).	Opperman Bros	399(D)	6	295	285	275	250	245	195	165	155
SUBDISTRICT NO. 6—CROOKSVILLE											
PERRY COUNTY											
Padgett, C. W	Padgett	390(D)	6	280	270	260	235	230	195	165	155
SUBDISTRICT NO. 7—JACKSON											
VINTON COUNTY											
Athens Lime & Coal Co		383(D)	4	295	285	275	250	245	195	175	165
SUBDISTRICT NO. 8—POMEROY											
MEIGS COUNTY											
Bailey Run Coal Co., The, c/o C. C. McDonald.	Bailey Run	387(D)	8	295	285	275	250	245	195	140	140
Jacobs, Pearl	Jacobs No. 2	381(D)	8	295	285	275	250	245	195	140	140

(D)—Indicates Deep Mine. (S)—Indicates Strip Mine.

[F. R. Doc. 42-4669; Filed, May 21, 1942; 10:24 a. m.]

[Docket No. A-1307]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

DISTRICT BOARD 8—CERTAIN CODE MEMBERS IN VIRGINIA

Findings of fact, conclusions of law, memorandum opinion and order in the matter of the petition of Bituminous Coal Producers Board for District No. 8 for preliminary, or temporary and permanent order of changes in classifications and seam designations for the coals produced by certain code members in Dickenson, Russell and Wise Counties, Virginia, subdistrict of District 8.

This proceeding was instituted upon a petition filed with the Bituminous Coal Division (the "Division"), by Bituminous Coal Producers Board for District No. 8 ("District Board No. 8") pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"). Petitioner proposed and sought a change in the classification, effective minimum prices and regrouping of certain mines as to seam and county designation as follows:

(a) Change in minimum prices of Mine Index Nos. 246. 2356, 5022, 24, 250, 451, 353 and 581;

(b) For a change in seam designation of Mine Index Nos. 3163, 2120, 2127, 821, 2135, 2133, 2141, 2134, 2290, 2295, 2360, 2351, 2316, 3567, 237,[1] 2343, 2695, 2308, 2690, 2364, 2341, 2372, and 2299;

(c) For a change in minimum prices and seam designations of Mine Index Nos. 2336, 2300, 4046, 2303, 2331, 2878, 2328, 2344, 2349, 2350, 2355, 2368, 2374, 504, 2352 and 2674.

(d) For a change in minimum prices, seam designations and county location of Mine Index No. 2244; and

(e) For a change in county location of Mine Index Nos. 2315, 2139 and 2337.

By Order of the Acting Director dated February 17, 1942, a hearing in this matter was held on March 17, 1942, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.

All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise participate fully in the hearing. Bituminous Coal Consumers' Counsel and District Board No. 8 appeared at the hearing and at the conclusion thereof all interested parties waived the preparation and the filing of a report by the Examiner and the matter was thereupon submitted to the Acting Director.

John F. Daniel, Director of Compliance and Classification for District No. 8, was

[1] Mine Index 237 is given in the appendix as being designated at present in Glamorgan Seam. This is an error, as it is at present designated in Edwards Seam. However, the proper seam designation is Norton to which a change is proposed.

the only witness to be called at the hearing. He stated that he personally conducted and directed the investigation upon which the petition was predicated, it being evident that a number of errors existed in regard to seam designations, minimum price classification and locations as to counties, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Daniel stated further that in order for fair competitive effective minimum prices to prevail, and most especially in Dickenson and Wise Counties, Virginia, it was necessary as nearly as possible to regroup and classify certain mines as to seam designation and establish effective minimum prices according to such proper seam designations.

When the original code membership acceptances were signed very little information was requested as to seam designation and therefore seam designations were assigned, in many instances, upon information furnished by those who were not fully familiar with the seams and locations thereof. The operators of small truck mines did not know that seam designation would affect price classification and therefore did not recognize the importance of seam designation when effective minimum prices were established for their mines and therefore did not think it necessary to furnish same.

All changes which are here requested have been approved and recommended by District Board No. 8, and witness Daniel stated that, in his opinion, such changes as proposed in this petition will correct the errors now existing as to price schedule with respect to the mines involved and effectuate the uniformity and consistency of effective minimum prices for comparable coals produced by competitive mines in these counties.

It appears further from the record that the mine of G. N. Hale, Mine Index No. 2315, is actually located in Dickenson County rather than in Wise County as carried in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; that the mine of W. E. Hall, Mine Index No. 2244, is located in Dickenson County rather than in Russell County; that the mine of R. D. Bond, Mine Index No. 2337 is located in Russell County instead of Wise County; that the mine of Red Bird Coal Co. (W. L. Neely), Mine Index No. 2139, is located in Wise County instead of Dickenson County. It was stated by witness Daniel that a proper designation as to county designation will not disturb the effective minimum prices.

It appears further from the records that all mines named in this proceeding, are at present selling coal, produced at their mines, at prices which are proposed as effective minimum prices by this petition, and that proposed changes meet with the approval of the operators.

Operators of all truck mines named in this proceeding and all other mines which are located in the vicinity of these mines had due notice of this proceeding and were served with notice of proposed changes in price classification and proposed designation as to seam and county locations. No one of the operators appeared at the hearing and no other person intervened.

Upon the basis of the uncontroverted evidence, I find and conclude that the prayer of the petition should be granted, and that such relief is necessary in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 328.34 (*General prices for high voltatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments be and the same is hereby amended by effectuating changes in minimum prices of Mine Index Nos. 246, 2356, 5022, 24, 250, 451, 353 and 581; by changing the seam designations of Mine Index Nos. 3163, 2120, 2127, 821, 2135, 2133, 2141, 2134, 2290, 2295, 2360, 2351, 2316, 3567, 237, 2343, 2695, 2308, 2690, 2364, 2341, 2372 and 2299; by changing the minimum prices and seam designations of Mine Index Nos. 2336, 2300, 4046, 2303, 2331, 2878, 2328, 2344, 2349, 2350, 2352, 2355, 2368, 2374, 504 and 2674; by changing the minimum prices, seam designation and county location of Mine Index No. 2244; and by changing the county designation of Mine Index Nos. 2315, 2139 and 2337, all as set forth in Supplement T attached hereto and made a part hereof.

Dated: Apr. 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT No. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Cantrell, Dewey	Cantrell	3163	Clintwood [2]	265	245	220	220	215	210	155	150
Davis, Virgil		2120	Dorchester [2]	265	245	220	220	215	210	155	150
Hale, G. N.[1]	Hale	2315	Upper Banner	265	245	220	220	215	210	155	150
Hall, W. E.[1]	Noah Powers	2244	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Haysi Coal Co. (L. Mullins)	Haysi Coal Co.	2127	Splash Dam [2]	265	245	220	220	215	210	155	150
Hughes, Calvin (Dickenson Coal Company).	Dickinson Coal Co. #2.	821	Clintwood [2]	265	245	220	220	215	210	155	150
Kennedy, Arnold A. (Mountain Coal Company).	Mountain Coal Co.	2135	Clintwood [2]	265	245	220	220	215	210	155	150
McFall, S. M. (S. M. McFall Coal Company).	S. M. McFall Coal Company.	2133	Clintwood [2]	265	245	220	220	215	210	155	150
McNeer, H. P., Rec'r for Standard Banner Coal Corp.	Honey Creek	246	Upper Banner	265	245	220	220	*215	210	170	165
Sheckler, W. H	Sheckler	2141	Jawbone & Tiller.[2]	265	245	220	220	215	210	155	150
Vanover, Calvin	Vanover	2134	Dorchester [2]	265	245	220	220	215	210	155	150
RUSSELL COUNTY, VA.											
Bond, R. D.[1]	Spruce Pine #2	2337	Upper Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
Anderson & Dotson Coal Co. (E. B. Dotson).	Walter B. Anderson.	2290	Norton [2]	265	245	220	220	215	210	155	150
Bond & Clay (R. H. Bond)	Bonds Clay	2336	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Bond, N. S	Osborne	2295	Jawbone [2]	265	245	220	220	215	210	155	150
Brooks Coal Co. (C. T. Brooks)	Brooks Coal Co.	2300	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Burnrite Fuel Company (C. S. Williams).	Burnrite Fuel Company.	2360	Blair [2]	265	245	220	220	215	210	155	150
Carter, V. B	Black Eagle C. Co.	4046	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Carter, W. N	Beech Grove Coal Co.	2303	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Dingus, J. P	Dingus Coal Co.	2299	Imboden [2]	265	245	220	220	215	210	155	150
Dingus, J. P	J. P. Dingus	2351	Jawbone [2]	265	245	220	220	215	210	155	150
Gobler's Knob Mine (W. G. Robbins).	Gobler's Knob	2356	Kelly	*265	*245	220	*220	*215	210	155	150
Hall, G. C	Hall Coal Co.	2316	Jawbone [2]	265	245	220	220	215	210	155	150
Hamm & Clement (J. O. Hamm)	Hamm Coal Co.	3567	Upper Banner [2]	265	245	220	220	215	210	155	150
Hawthorne Coal Corporation	Hawthorne	237	Norton [2]	(†)	(†)	220	(†)	(†)	210	(†)	(†)
Hillman, J. W	Hillman Coal Co.	2674	Imboden [2]	*265	*245	220	*220	*215	210	155	150
Jackson, G. R	Goose Neck	2331	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Lyons Bros. C. Co. (J. O. Lyons)	Lyons Bros. C. Co. No. 1.	2343	Jawbone [2]	265	245	220	220	215	210	155	150
McCroskey, J. W	McCroskey	2328	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150

Footnotes at end of table.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 6"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 7—VIRGINIA—Continued											
WISE COUNTY, VA.—Continued											
McReynolds, E. M.	McReynolds	2344	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Marcum, G. L.	Marcum C. Co. No. 2.	2878	Norton [2]	*265	*245	*220	220	215	*210	*155	*150
Marcum, G. L.	Marcum C. Co. No. 3.	2695	Norton [2]	265	245	220	220	215	210	155	150
Minton, W. C. (Minton Coal Company).	Minton Coal Co.	2308	Blair [2]	265	245	220	220	215	210	155	150
Pate Coal Co. (Wm. B. Pate)	Pate & Bowen	2349	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Patrick, G. K. (Moab Coal Co.)	Graham Bros.	2690	Low Splint [2]	265	245	220	220	215	210	155	150
Perry & McGlothlin (Beecher Perry).	Perry & McGlothlin.	2350	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Red Bird Coal Co. (W. L. Neely) [1].	Red Bird	2139	Imboden	265	245	220	220	215	210	155	150
Reece & Son, C. F.	Reece & Son	2352	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Reed Coal Company (R. M. Reed).	No. 2	5022	Kelly	*265	*245	220	*220	*215	210	155	150
Richmond, R. A.	R. A. Richmond Coal Co.	2355	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Stanton Coal Co. (D. M. & D. E. Stanton).	Stanton	2364	Jawbone [2]	265	245	220	220	215	210	155	150
Stonega Coke & Coal Company	Arno	24	Imboden	*265	*245	230	220	215	220	185	180
Stonega Coke & Coal Company	Imboden	250	Imboden	*265	*245	230	(†)	(†)	220	180	175
Stonega Coke & Coal Company	Stonega	451	Imboden	*265	*245	230	220	215	220	180	175
Tate, G. S. (Tacoma Coal Co.)	Tacoma C. Co. #1	2341	Lower Banner [2]	265	245	220	220	215	210	155	150
Thomas & Payne (W. C. Thomas).	Thomas & Payne #1 [3].	2368	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Thomas & Payne (W. C. Thomas).	Thomas & Payne #2.	2374	Widow Kennedy [2]	*275	*255	220	*240	*225	210	155	150
Tolbey & Miller (Robert Tolbey)	Tolbey & Miller	2372	Lower Banner [2]	265	245	220	220	215	210	155	150
Willits, W. J. & G. C. McCall (Rec'rs for Norton Coal Co.).	Norton #11	353	Norton	*265	*245	*220	220	215	*210	170	165
Wise Coal & Coke Company	No. 3 [3]	504	Dorchester [2]	*265	*245	225	220	215	215	175	170
Wise Coal & Coke Company	No. 2	581	Norton	*265	*245	225	220	215	215	175	170

[1] Denotes correction of county location.
[2] Denotes change in seam designation.
[3] Denotes change in mine name.
† Indicates no classification effective for these size groups.
* Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 42-4670; Filed, May 21, 1942; 10:23 a. m.]

[Docket No. A-1439]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

RELIEF GRANTED

Order granting temporary relief and conditionally providing for final relief in the matter of District Board No. 10 for the establishment of a price exception for the Vulcan Mine.

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, filed by the above-entitled party, requests the establishment of a Price Exception to the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck to permit the Vulcan Mine (Mine Index No. 1517) of the Midland Electric Coal Corporation to absorb a switching charge of 10 cents on railroad locomotive fuel for the Chicago & Northwestern Railway. It appears that the Middle Grove Mine (Mine Index No. 95) of the Midland Electric Coal Corporation which loads its coals over the same tipple as the Vulcan Mine is permitted to absorb this switching charge and that the Vulcan Mine should therefore also be permitted to absorb this charge.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.8 *Price instructions and exceptions* (b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck is supplemented by the following Price Exception:

The Vulcan Mine (Mine Index 1517) may absorb the actual switching charge, but not to exceed 10 cents per ton on railroad locomotive fuel for the Chicago & Northwestern Railway.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4730; Filed, May 22, 1942; 11:22 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

[Supplementary Directive 1-I]

AMENDMENT OF DELEGATION WITH RESPECT TO RATIONING OF DOMESTIC MECHANICAL REFRIGERATORS

§ 903.10 *Supplementary Directive 1-I.* (a) Notwithstanding the provisions of Directive No. 1 (§ 903.1) all authority with respect to the exercising of rationing control of domestic mechanical refrigerators shall remain in the Chairman of the War Production Board and in the Director of Industry Operations to the extent that the authority of said Chairman has been delegated to said Director by War Production Board Regulation No. 1, as amended.

(b) As used in this Supplementary Directive, the term "Domestic Mechanical Refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity (N. E. M. A. rating) of 16 cubic feet or less, but does not include any low temperature mechanical refrigerator designed for the storage of frozen foods or for the quick-freezing of food, where the low temperature compartment customarily operates at a temperature of not higher than 15 degrees above zero (Fahrenheit) and contains 75% or more of the total refrigerating space in the refrigerator. (E.O. 9024, 7 F.R. 329, E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719; sec. 2 (a). Pub. Law No. 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and by Pub. Law 507, 77th Cong., W.P.B. Directive No. 1, 7 F.R. 562, W.P.B. Reg. No. 1, 7 F.R. 561, as amended, 7 F.R. 2126.)

Issued this 22nd day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4705; Filed, May 22, 1942; 10:37 a. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

CORRECTION TO GENERAL PREFERENCE ORDER M-19, AS AMENDED MAY 1, 1942

General Preference Order M-19, as amended May 1, 1942, and as published in the FEDERAL REGISTER for May 5, 1942 (7 F. R. 3311) is hereby corrected as follows:

(a) Paragraph (c), subparagraph (1) is hereby corrected to read as follows:

(1) Each person requiring chlorine, whether for own consumption or resale, shall file with his supplier with his order for chlorine Form PD-190, properly executed by him. Where such supplier is a distributor, such order and Form PD-190 shall be filed with such distributor on or before the 5th day of the month preceding the month in which delivery is sought, and such Form PD-190 shall be filed in triplicate. Where such supplier is a producer, such order and Form PD-190 shall be filed with such producer on or before the 10th day of the month preceding the month in which delivery is sought and such Form PD-190 shall be filed in duplicate. Where the order filed with a producer is the order of a distributor, the distributor must file with the producer in addition to his own Form PD-190, in duplicate, the original and one copy of each Form PD-190 filed with him pursuant to this paragraph (c) (1) by each customer of his.

(b) Paragraph (h) is hereby corrected to read as follows:

(h) *Inventory restrictions.* No producer or distributor shall knowingly make, and no person shall accept delivery of chlorine or products containing available chlorine if the inventory of such material of the person accepting delivery is, or will by virtue of such acceptance become, in excess of a thirty day supply thereof, having regard to current permissible use or sale, except that this Order shall not prevent acceptance of delivery in the smallest practical delivery unit. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4715; Filed, May 22, 1942; 10:40 a. m.]

PART 974—TOLUENE (TOLUOL)

[Amendment No. 2 to General Preference Order M-34]

(a) Section 974.1 (*Amendment No. 1 to General Preference Order M-34*[1]) is hereby amended as follows:

Paragraph (c) is hereby amended to read as follows:

(c) *Production of toluene.* (1) Subject to the provisions of subparagraph (c) (2) hereof, every person shall, in coking coal or in processing oils containing toluene, so operate his equipment and facilities that the maximum amount of toluene capable of being produced with such equipment and facilities (from the coal coked or from the oils processed by such person) shall be produced.

(2) After February 1, 1942, producers of toluene shall so operate their production facilities that, of the toluene produced during any month, the maximum amount of nitration grade toluene capable of being produced with such facilities shall be produced, and in no event shall the amount of nitration grade toluene produced be less than 70% of the total amount of toluene produced.

(3) Except as otherwise directed by the Director of Industry Operations, no person shall use, sell, deliver or otherwise dispose of oils containing toluene unless:

(i) Such person shall have extracted the maximum amount of toluene therefrom which he can with his existing equipment and facilities; or

(ii) Such sale or delivery shall be to another who shall extract the maximum commercially extractable amount of toluene therefrom;

and no person shall accept delivery of oils containing toluene if such delivery would be made in violation of this subparagraph.

(4) Nothing in this paragraph (c) contained shall be applicable to oils derived from petroleum. P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4707; Filed, May 22, 1942; 10:37 a. m.]

PART 1026—PRODUCTION OF CHEMICALS MAINTENANCE, REPAIR AND OPERATING SUPPLIES

[Amendment No. 1 to Preference Rating Order P-89, amended]

(a) Section 1026.1 (*Preference Rating Order No. P-89*,[1] Amended) is hereby further amended in the following particulars:

(1) Paragraph (b) (3) is hereby amended to read as follows:

(3) A-1-c and A-3 to deliveries to the producer of other material for repair, maintenance or operating supplies. The A-1-c rating assigned by this paragraph (b) (3) shall not be applied in any calendar quarter to more than thirty percent (30%) of the dollar value of material for repair, maintenance or operating supplies ordered by the producer in such quarter;

(2) Paragraph (b) (4) is hereby amended to read as follows:

(4) To a supplier of any material for repair, maintenance or operating supplies which is to be delivered (or is to be physically incorporated into material which will be delivered) by him to the producer under a rating assigned above, or which will be used within the limitations of paragraph (e) to replace in a supplier's inventory material so delivered, the same preference rating as that assigned above to the delivery of such material to the producer: *Provided, however*, That preference rating A-1-c (and not preference rating A-1-a) is assigned to delivery, to a supplier, of material which will be used within the limitations of paragraph (e) to replace in a supplier's inventory material for repair, maintenance or operating supplies which is to be delivered (or is to be physically incorporated into material which is to be delivered) by him to the producer under the rating assigned by paragraph (b) (1).

(3) Paragraph (e) is hereby amended by deleting the first sentence thereof reading, "No supplier shall extend any preference rating hereunder assigned by paragraphs (b) (1), (2) or (3) above." (The remainder of paragraph (e) is unchanged.) (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

(b) This Amendment shall expire on June 30, 1942, unless continued in effect by further order of the Director of Industry Operations.

Issued this 22nd day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4710; Filed, May 22, 1942; 10:38 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

[Amendment No. 6 to General Imports Order M-63]

Section 1042.1 *General Imports Order M-63*[1] is hereby amended as follows:

By adding to List A the following:

Material	Economic class	Commodity No.
Beef and mutton tallow—includes oleo stock	4	0036.6
Beef and mutton tallow (inedible)—includes oleo stock	0	0815.6
Cinchona bark or other bark from which quinine may be extracted	0	2201.0
Cod-liver oil	7	0805.0
Cod oil	7	0804.0
Corn or maize oil (edible)	4	1422.0
Corundum and emery in grains, or ground, pulverized, or refined	9	547.01
Corundum ore	1	5460.0
Cottonseed oil	6	226.22
Cottonseed oil—crude	4	1423.1
Cottonseed oil—refined	4	1423.2
Flaxseed (linseed)	0	2233.0
Glycerine—crude	7	8290.0
Glycerine—refined	9	8291.1
Hempseed	0	2238.0

[1] 6 F.R. 4532, 6853.

[1] 7 F.R. 1640, 2384.

[1] 7 F.R. 3327.

Material	Economic class	Commodity No.
Linseed oil, and combinations and mixtures, in chief value of such oil	6	2254.0
Muru muru nuts	0	2239.63
Muru muru kernels	0	2239.64
Neatsfoot oil	7	0808.95
Ouricury (uricury) kernels	0	2239.62
Ouricury (uricury) oil [1]		
Ouricury (uricury) nuts	0	2239.61
Peanut (ground nut) oil	4	1427.0
Rapeseed	0	2237.0
Rapeseed oil (denatured)	6	2246.0
Rubber seed	0	2239.5
Rubber seed oil [1]		
Sesame seed	0	2234.0
Shark oil and shark-liver oil	7	0808.7
Sperm oil—crude	7	0803.0
Sperm oil—refined	7	0803.1
Sunflower seed	0	2240.0
Sunflower oil (edible)	4	1421.0
Sunflower oil (denatured)	6	2247.0
Tucum nuts	0	2239.65
Tucum kernels	0	2239.66
Wool grease—including degras or brown wool grease, containing of free fatty acids more than 2 per cent	0	0813.2
Wool grease—including degras or brown wool grease, containing of free fatty acids 2 per cent or less and not suitable for medicinal use	0	0813.3
Wool grease—including degras or brown wool grease suitable for medicinal use, including adeps lanae, hydrous, or anhydrous	0	0813.5
Whale oil	7	0803.5

[1] Economic class and commodity numbers for these materials have not been assigned by the Department of Commerce. Statistical Classification of Imports.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

This amendment shall take effect on May 22, 1942.

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4713; Filed, May 22, 1942; 10:39 a. m.]

PART 1072—SOLE LEATHER

[General Preference Order M-80, as amended to May 22, 1942]

Section 1072.1 *General Preference Order M-80* is hereby amended to read as follows:

(a) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this order:

(1) "Sole leather" means any vegetable tanned sole leather of both "manufacturers" and "finders" types.

(2) "Cut outer soles of military weight and quality" means soles of 8½ iron and up of fine, semifine, imperfect fine and No. 1 scratch grades or as otherwise required by the applicable specifications for "military shoes," cut out of "manufacturers" leather.

(3) "Cut inner soles of military weight and quality" means soles of 5½ to 7 iron first quality full grain leather, with strong fiber of quality adapted to the purpose.

(4) "Finders cut stock of military weight and quality" means full soles, half soles, strips or repair taps of 9 iron and up cut from vegetable tanned sole leather commercially described as finders type and which are of prime and fine fiber of a grade not lower than "No. 1 Scratch," but shall not include finders cut stock having slaughter cuts, brands, loose flesh, or cracky grain.

(5) "Whole stock" means sole leather sides, backs, bends, crops, strips, shoulders, bellies and belly centers.

(6) "Sole cutters" means all persons who produce cut soles, cut outer soles, cut inner soles, blocks, strips, and repair taps from sole leather, and shall include independent cutters, tanner cutters, packer-tanner cutters, shoe manufacturer cutters and tanner-shoe manufacturer cutters.

(7) "Military shoes" means shoes for the Army, Navy, Marine Corps and Lend-Lease requirements.

(8) "Put into process" with respect to cut outer or inner soles or repair taps means the first step taken in the preparation of such cut stock for shoemaking or shoe repairing or for attachment to shoes or shoe uppers.

(9) "Reserved cut stock" means all cut outer and inner soles and finders cut stock of military weight and quality, set aside pursuant to the terms of this order and, in addition, all other manufacturers type cut outer and inner soles of military weight and quality on hand April 4, 1942, or thereafter, in sole cutters' stocks or in the stocks of any other person, which were cut on any patterns which will fit the Army, Navy and Marine Corps lasts: *Provided, however,* That the term shall not include any cut soles certified by the Commanding Officer, Boston Quartermaster Depot, Boston, Massachusetts, as not suitable for military use.

(c) *Restrictions on sale and cutting of whole stock.* (1) All persons having whole stock from which cut outer or cut inner soles or finders cut stock of military weight and quality can be obtained shall reserve such whole stock for direct sale to the Government or for delivery to sole cutters as defined or shall cut such whole stock in accordance with paragraph (c) (2) hereof.

(2) No person having any whole stock, from which cut inner or cut outer soles or finders cut stock of military weight and quality can be obtained, shall hereafter cut any of the said whole stock except in such a manner as will produce all the cut inner or cut outer soles or finders cut stock of military weight and quality obtainable therefrom, in accordance with paragraph (d) hereof.

(d) *Restrictions on sole cutters.* (1) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day all cut outer and cut inner soles of military weight and quality that are obtainable from all manufacturers whole stock cut by him. All such cut soles so set aside shall be cut on Army size dies or commercial patterns to fit the Munson Last in sizes and widths to fit the sizes of shoes bought on U. S. Army Tariffs as issued, or shall be cut as required by the Navy and Marine Corps to fit their schedules, or cut in accordance with the schedules of any other defense or Lend-Lease orders for shoes.

(2) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day all finders cut stock of military weight and quality cut from finders whole stock received by him. Each sole cutter shall provide that the cut stock so set aside shall include a sufficient quantity of cut outer soles so as to insure the fulfillment of his contracts to deliver such soles for use on military shoes.

(e) *Restrictions on sales, deliveries, and use of reserved cut stock.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter sell, deliver or put into process any reserved cut stock from manufacturers leather, except to fill defense orders for military shoes, or to fill defense orders for cut soles of military weight and quality.

(2) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter use any finders cut stock set aside pursuant to paragraph (d) (2) hereof, except upon defense orders for repair tap soles or defense orders for cut outer soles of military weight and quality.

(f) *Fair distribution of products.* In making sales or deliveries of any cut or uncut sole leather not covered by this order, no person shall make discriminatory cuts in quantity or quality between former customers who meet such person's regularly established prices, terms, and credit requirements, or between former customers and his own consumption of these products. Reduction in sales or deliveries proportionate with any curtailment in supply available for non-military use shall not constitute a discriminatory cut.

(g) *Reports.* Every person affected by this order shall execute and file the following reports:

(1) With the War Production Board—such reports and questionnaires as may regularly or from time to time be required by said Board.

(2) With the Boston Quartermaster Depot—such reports and questionnaires as may regularly or from time to time be required by that Depot.

(h) *Disposition of stocks of reserved cut stock.* Every person delivering to another person or to his own shoe factory any "reserved cut stock" to fill defense orders for military shoes shall, within twenty-four (24) hours after such delivery, notify by letter addressed to the Commanding Officer, Reserved Cut Stock, Boston Quartermaster Depot, Army Base, Boston, Massachusetts, Tabulating Agent of the War Production Board, of the amount and quality of cut stock so delivered, the person to whom delivered, and the contract number or further identification of the de-

fense order for military shoes to fill which such reserved cut stock were delivered.

(i) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sole leather conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations by letter or telegram, Reference M-80, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference M-80.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4712; Filed, May 22, 1942; 10:39 a. m.]

PART 1118—SEXTANTS

[Interpretation 1 of Limitation Order L-58]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1118.1 *Limitation Order L-58:*[1]

The word "sextant" as used in this order means only a mariner's sextant, to the exclusion of such other sextants as are not usually used at sea. If, however, a sextant other than a mariner's sextant is converted so as to enable its use as a mariner's sextant, it becomes subject to the terms of Limitation Order L-58. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4709; Filed, May 22, 1942; 10:38 a. m.]

[1] 7 F.R. 1856.

PART 1136—LAWN MOWERS

[Amendment No. 1 to General Limitation Order L-67]

Section 1136.1 *General Limitation Order L-67*[1] is hereby amended in the following particular:

Paragraph (b) is hereby amended by adding at the end thereof the following new subparagraph:

(3) Any Manufacturer who possesssed in his inventory, prior to March 31, 1942, iron or steel which had been so fabricated or processed prior to March 31, 1942 that it cannot be used for any purpose other than the production of the lawn mowers for which it was originally fabricated or processed, may, to the extent that he uses such material for such production, exceed the restrictions imposed upon him by subparagraphs (b) (1) and (b) (2) of this Order: *Provided,* That the amount of such additional iron and steel, plus the amount of iron and steel used in the production of lawn mowers pursuant to subparagraph (b) (1) and (b) (2) of this order does not exceed three times 100% of the average monthly amount of iron and steel in the aggregate used by him in the production of lawn mowers during the twelve months' period from July 1, 1940 to June 30, 1941, inclusive, or 100% of the total amount of iron and steel in the aggregate used by him in the production of lawn mowers during the period from April 1, 1941 until June 30, 1941, inclusive, whichever is the greater. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561 E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong,. as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4706; Filed, May 22, 1942; 10:37 a. m.]

PART 1154—PLUMBING AND HEATING EQUIPMENT

[Interpretation 1 of General Limitation Order L-79]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1154.1 (*General Limitation Order L-79*)[2]:

Where New Plumbing and Heating Equipment is used as collateral in a security transaction and title passes solely for the purpose of the security transaction, there being no physical movement of New Plumbing or Heating Equipment other than for purposes of storage or warehousing, the transfer of title is not a violation of Limitation Order No. L-79.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4708; Filed, May 22, 1942; 10:38 a. m.]

[1] 7 F.R. 2469.
[2] 7 F.R. 2867.

PART 1174—LAUNDRY EQUIPMENT, DRY CLEANING EQUIPMENT AND TAILORS' PRESSING MACHINERY

[General Limitation Order L-91, as amended]

Effective at once, General Limitation Order L-91 (§ 1174.1) is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain materials, used in the production of Commercial Laundry and Dry Cleaning Machinery, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1174.1 *General Limitation Order L-91*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person producing commercial laundry or dry cleaning machinery, or tailors' pressing machinery to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by a manufacturer.

(3) "Distributor" means any person in the business of distributing commercial laundry or dry cleaning machinery, or tailors' pressing machinery other than sales and distribution outlets controlled by a manufacturer.

(4) "Commercial laundry machinery," "commercial dry cleaning machinery," and "tailors' pressing machinery," unless otherwise specified, mean new machinery and its equipment and accessories. New machinery is machinery which has not been delivered to any person acquiring it for use. "Tailors' pressing machinery" means pressing machinery used by custom tailors or by pressing establishments, but shall not include pressing machines used in the mass production of garments or other textiles. The terms "commercial laundry machinery" and "commercial dry cleaning ma-

chinery" shall include machinery used in all types of laundering and cleaning establishments, such as, but not limited to, rug cleaning establishments and fur cleaning establishments, but shall not include electric hand irons, electrically heated steam irons or water spray irons, which are subject to the limitations of General Limitation Order L-65.

(b) *Restrictions on delivery.* On and after the effective date of this order regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no manufacturer, distributor, or other person shall accept an order for, or sell, deliver, or otherwise transfer, and no person shall purchase, receive delivery of, or otherwise acquire, any new commercial laundry or dry cleaning machinery, or tailors' pressing machinery, of any value, or any of such kinds of rebuilt or reconditioned machinery of a value in excess of $100.00 except as follows:

(1) To fill orders for the Army or Navy of the United States, the Army or Navy of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia; for the Maritime Commission, or to fill orders to equip a vessel constructed for the Maritime Commission, or Lend-Lease Administration, or a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States; or

(2) Upon express authorization of the Director of Industry Operations upon Form PD-418.

Nothing in this paragraph shall be construed to prohibit the delivery of machinery from one Manufacturer to another to fill a part of an order which has been authorized for delivery on Form PD-418, or to fill a part of an order placed pursuant to the provisions of paragraph (b) (1).

(c) *Procedure for authorization.* All persons making application for an authorization under paragraph (b) (2) hereof, shall make such application on Form PD-418. Applicants who secure authorization upon Form PD-418 shall surrender such Form PD-418 to their supplier.

(d) *Prohibition of production of commercial laundry and dry cleaning machinery.* (1) Unless otherwise authorized by the Director of Industry Operations, on and after June 1, 1942, no Manufacturer shall produce any Commercial Laundry Machinery, except to fill orders for, and in accordance with, specifications of, the Army or Navy of the United States, the Army or Navy of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia; for the Maritime Commission, or to fill orders to equip a vessel constructed for the Maritime Commission or Lend-Lease Administration, or a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States.

(2) Unless otherwise authorized by the Director of Industry Operations, on and after July 1, 1942, no manufacturer shall produce any commercial dry cleaning machinery, except to fill orders for, and in accordance with, specifications of, the Army or Navy of the United States, the Army or Navy of Belgium, China, Czechoslovakia, Free France, Greece, Iceland, Netherlands, Norway, Poland, Russia, Turkey, United Kingdom including its Dominions, Crown Colonies and Protectorates, or Yugoslavia; for the Maritime Commission, or to fill orders to equip a vessel constructed for the Maritime Commission or Lend-Lease Administration, or a cantonment or other Army or Navy base constructed for the use and operation of the Army or Navy of the United States.

(3) Unless otherwise authorized by the Director of Industry Operations, no commercial laundry or dry cleaning machinery, or tailors' pressing machinery, including maintenance or repair parts therefor, shall be manufactured after May 15, 1942, except by a person who has filed an application under Preference Rating Order P-90 (Production requirements plan) on Form PD-25A, PD-25X, or other applicable form for all his material requirements for such manufacture for which he requires priority assistance.

(e) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict the manufacture, acquisition, sale, or delivery, in any manner, of parts to be used to repair or maintain existing machinery, or machinery delivered under the terms of this order.

(f) *Restrictions on use of materials.* (1) On and after April 30, 1942, no monel metal, nickel, nickel silver, or nickel chrome steels shall be used in the production of commercial laundry or dry cleaning machinery, except where specified by the Army, the Navy, or the Maritime Commission.

(2) Nothing in this order shall be construed to permit any Person to sell, deliver, or otherwise transfer, or any Manufacture to purchase, receive delivery of, or otherwise acquire any raw materials, semiprocessed parts, or finished products in contravention of the terms of any order, or other regulation now effective or effective at the date of any such sale, delivery, or other transfer.

(g) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(h) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliances with the terms of this order.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-91.

(j) *Appeals.* Any Manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that compliance with this order would disrupt or impair their program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, Ref.: L-91, setting forth the pertinent facts and the reasons why such Person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Violations.* Any person who wilfully violates any provision of this order, or who wilfully furnishes false information to the Director of Industry Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such Person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director of Industry Operations.

(l) *Records and reports.* (1) Each Person affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of commercial laundry and dry cleaning machinery and tailors' pressing machinery.

(2) Each person affected by this order shall execute and file with the Services Branch, Division of Industry Operations, such reports and questionnaires as said branch shall from time to time request.

(3) On or before May 7, 1942, for the month of April, and on or before the seventh day of each month thereafter, for the preceding month, each manufacturer of commercial laundry or dry cleaning machinery, or tailors' pressing machinery shall file a monthly report of orders, production and shipments on Form PD-419.

(m) *Effective date.* This order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4714; Filed, May 22, 1942; 10:40 a. m.]

PART 1198—GLASS CONTAINER AND CLOSURE SIMPLIFICATION

[Amendment 1 of Schedule B to Limitation Order L-103]

MALT BEVERAGES

Subparagraph (4) of paragraph (b) of Schedule B to § 1198.3 *Limitation Order L-103*[1] is hereby amended to read as follows:

(4) Beginning July 1, 1942, no glass containers for malt beverages shall be manufactured, except of a type that can be returned to the brewery for refilling. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 21st day of May 1942.

J. S. KNOWLSON,
Directory of Industry Operations.

[F. R. Doc. 42-4696; Filed, May 21, 1942; 2:40 p. m.]

PART 1229—ARSENIC

[General Preference Order M-152]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Arsenic for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1229.1 *General Preference Order M-152*—(a) *Definitions.* (1) "Arsenic" means arsenious acid, also known as white arsenic and arsenic trioxide, whether in crude (black or gray) or refined form. The term does not include any chemical derivative or chemical compound of arsenious acid;

(2) "Producer" means any person engaged in the production of arsenic and includes any person who has arsenic produced for him pursuant to toll agreements;

(3) "Distributor" means any person who purchases arsenic for resale as such;

(4) "Supplier" means any producer, distributor or other person who sells or offers for sale arsenic.

(b) *Restrictions on deliveries.* (1) No producer or distributor shall make delivery of arsenic to any person unless and until he shall have been authorized to do so by the Director of Industry Operations. At the beginning of each calendar quarter, commencing with the third quarter of 1942, the Director of Industry Operations will issue to all producers and, directly or indirectly, to all distributors specific authorizations or directions covering deliveries of arsenic which may or must be made by such producers or distributors during such quarter. In addition, such Director may issue during any quarter (including the balance of the second quarter of 1942) such authorizations or directions concerning deliveries as he may deem appropriate or necessary, and he may also issue directions respecting the use or uses to which the arsenic whose delivery is authorized hereunder may be put. Authorizations or directions shall be based primarily upon insuring the satisfaction of all defense requirements and, insofar as possible, providing an adequate supply for essential civilian uses. Each producer and each distributor of arsenic, upon being informed, directly or indirectly, by such Director of the deliveries which such Director has authorized, shall forthwith notify his customers of the extent of such authorization as the same may affect them.

(2) In the event that any producer or distributor, after receiving notice from the Director of Industry Operations with respect to a delivery of arsenic which he is authorized to make, shall be unable to make such delivery, whether because of receipt of notice of cancellation from his customer or otherwise, such producer or distributor shall forthwith give notice of such fact to the Chemicals Branch of the War Production Board, and shall not in the absence of specific authorization from the Director of Industry Operations resell or otherwise dispose of the arsenic which he is unable to deliver as aforesaid.

(c) *Placing of orders and scheduling of deliveries.* (1) Each person requiring arsenic, whether for own use or resale, shall place his order with his supplier for his requirements for each calendar quarter and with each order shall submit Form PD-490, properly executed by him. Where such supplier is a distributor, such order and Form PD-490 shall be filed with such distributor on or before the 5th day of the last month of the preceding quarter, and such Form PD-490 shall be filed in quadruplicate. Where such supplier is a producer, such order and Form PD-490 shall be filed with such producer on or before the 10th day of the last month of the preceding quarter and such Form PD-490 shall be filed in triplicate. Where the order filed with a producer is the order of a distributor, the distributor must file with the producer in addition to his own Form PD-490, in triplicate, the original and two copies of each Form PD-490 filed with him pursuant to this paragraph (c) (1) by each customer of his.

(2) Each producer of arsenic shall, on or before the 15th day of the month preceding the commencement of each calendar quarter, file with the Chemicals Branch of the War Production Board, Washington, D. C., Form PD-491 (in duplicate) properly executed, which shall list among other things a schedule of deliveries of arsenic which such producer proposes to make in the succeeding quarter, and the orders which have been filed with him which he has not scheduled during such quarer. Each original Form PD-491 shall be accompanied by two copies of each Form PD-490 submitted to the producer and listed on said Form PD-491. After such forms have been filed with such Chemicals Branch, any changes of circumstances or matters occurring thereafter pertaining to said Form PD-491 shall forthwith be reported to such Chemicals Branch.

(d) *Reports.* Every person who during any calendar quarter o' 1941 used 500 lbs. or more of arsenic shall, on or before June 1, 1942, file with the Chemicals Branch of the War Production Board, Form PD-492, properly executed, showing among other things his inventory of arsenic as of the close of business on the day prior to the date of issuance of this order. In addition, all persons shall file such other reports as may from time to time be directed by the Director of Industry Operations.

(e) *Inventory restrictions.* No producer or distributor shall knowingly make, and no person shall accept deliveries of arsenic if the inventory of arsenic of the person accepting delivery is, or will by virtue of such acceptance become, in excess of a ninety-day supply thereof having regard to current permissible use or sale, but this paragraph shall not be construed to prevent a person's accepting delivery thereof in the smallest practical delivery unit as evidenced by his past experience.

(f) *Miscellaneous provisions*—(1) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise under common ownership or control.

(2) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(3) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(4) *Notification of customers.* Producers and Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this order, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this order.

(5) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-152.

(7) *Violations or false statements.* Any person who wilfully violates any

[1] 7 F.R. 3515.

provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22d day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4711; Filed, May 22, 1942; 10:39 a. m.]

PART 1242—TANTALUM

[General Preference Order M-156]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Tantalum for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1242.1 *General Preference Order M-156*—(a) *Definition.* For the purposes of this Order:

(1) "Tantalum" means and includes:

(i) Ores and concentrates containing tantalum (commercially recognized), and tantalum compounds for further purification or refining;

(ii) The element tantalum in pure form, ferro-tantalum, potassium tantalum fluoride, tantalum oxide, and tantalum carbide;

(iii) All scrap or secondary material containing commercially recoverable tantalum as defined in (i) and (ii) above, excluding tantalum—and Columbium-bearing iron and steel scrap.

(b) *Restrictions on deliveries and special directions.* Hereafter, no person shall deliver or accept delivery of tantalum unless specifically authorized by the Director of Industry Operations: *Provided, however,* That tantalum may be delivered without the specific authorization of the Director of Industry Operations to the Metals Reserve Company or to any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C. sec 606 (b)), or to any duly authorized agent of such corporation. The Director will from time to time allocate the supply of tantalum and specifically direct the manner and quantites in which deliveries thereof may be made or accepted; and the Director may also issue specific directions as to the manner and quantities in which tantalum may be processed for particular purposes or end uses. In his discretion, the Director may require any person seeking to place a purchase order for tantalum to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(c) *Reports*—(1) *Applications for tantalum.* Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of tantalum unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board a report on Form PD-488, and an application for tantalum on Form PD-487 or in any case, on such other form as the War Production Board may from time to time prescribe, and in addition, shall have filed with any supplier with whom he may place a purchase order for tantalum, a copy of Form PD-487. Failure by any person to file an application and report in the manner and on the date required by this sub-paragraph (c) (1) may be construed as notice to the Director of Industry Operations and to all suppliers of tantalum that such person does not desire an allocation of tantalum during the period to which the same would have been applicable. Subject to all the other provisions, restrictions and limitations of this order and until further order by the Director of Industry Operations, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 1 (one) ounce of contained tantalum without filing the application and report required by this paragraph.

(2) *Reports by processors.* Any person who processes tantalum ores or concentrates shall, on or before the 27th day of June, 1942, and on or before the 27th day of each succeeding month, file with the War Production Board a report on Form PD-489.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *General Imports Order M-63 unaffected.* Nothing contained in this Order shall be construed as altering or modifying in any way the provisions of General Imports Order M-63[1] applicable to tantalum.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference M-156. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 22nd day of May 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-4716; Filed, May 22, 1942; 10:40 a. m.]

[1] Part 1042, this issue.

Chapter XI—Office of Price Administration

PART 1330—CONTAINERS

[Amendment No. 2 to Maximum Price Regulation No. 55[1]]

SECOND HAND BAGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 1330.56 is amended, paragraphs (e), (f) and (g) of § 1330.61 are amended, a new subparagraph (6) is added to § 1330.58 (a), new items are added to paragraphs (a), (b) and (c) and a new footnote 3 is added to paragraph (c) of § 1330.61, as set forth below:

§ 1330.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 55 are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 55 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State or Regional Office of the Office of Price Administration or its principal office in Washington, D. C.

(c) The provisions of Supplementary Order No. 5[2]—Licensing, are applicable to every dealer subject to this Maximum Price Regulation No. 55 selling second hand bags to a consumer. "Dealer" shall have the meaning given to it by Supplementary Order No. 5.

§ 1330.58 *Definitions.* (a) When used in this Maximum Price Regulation No. 55, the term:

* * * * *

[1] 7 F.R. 2300, 3330.
[2] 7 F.R. 3403.

(6) "Consumer" means any person who uses second hand bags for packaging a commodity therein.

§ 1330.61 *Appendix A: Maximum prices for second-hand bags*—(a) *Maximum prices for second hand burlap bags.*

Made up size (in inches) all numbers inclusive		Quality of material (in ounces per yard of 40 inch width) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
*	*	*	*	*
20.00 to 20.99	28 to 30	7½ to 9	$0.080	$0.050
20.00 to 20.99	31 to 33	10 to 12	.114	.084

(b) *Maximum prices for second hand cotton bags.*

Made up size (in inches) all numbers inclusive		Quality of material (in linear yards per pound) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
*	*	*	*	*
20.00 to 20.99	38 to 40	3.00–3.25	$0.132	$0.102
21.00 to 21.99	38 to 40	3.00–3.25	.138	.108
22.00 to 22.99	38 to 40	3.00–3.25	.144	.114
23.00 to 23.99	38 to 40	3.00–3.25	.150	.120
19.00 to 19.99	35 to 37	2.50–3.00	.135	.105
20.00 to 20.99	35 to 37	2.50–3.00	.140	.110
20.00 to 20.99	38 to 40	2.50–3.00	.150	.120
21.00 to 21.99	38 to 40	2.50–3.00	.155	.125

(c) *Maximum prices for second hand bags of miscellaneous special types.*

Type of material	Made up size (in inches) all numbers inclusive		Trade description of bag	Approximate weight per bag in pounds	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
	Width	Length				
*	*	*	*	*	*	*
Heavy gunny or jute sacking.	28–30	54–56	Yellow mustard seed	3¾–4¼	$0.350	$0.300
Sisal	28–30	48–50	Sisal raw sugar bags	2¾–3½	.250	[1] .200
Cotton	19–21	44–46	Seamless cotton bag	1	.250	.220
Cotton	19–21	39–41	Seamless cotton bag	⅞	.220	.190
Cotton "leno"	17–19	34–36	Open mesh	¾	.050	.030

* * * * * * *

[1] The maximum price for second hand "unmendable" sisal raw sugar bags shall be $0.17 each f. o. b. shipping point

* * * * *

(e) *Resales of second hand processed or in order bags.* Any person who purchases processed or in order bags for resale may, on such resale, add to the maximum price determined in accordance with this Maximum Price Regulation No. 55, the actual freight incurred in bringing the processed or in order bags to his plant, and in addition may charge a premium not to exceed 5 per cent of the maximum price determined in accordance with this Maximum Price Regulation No. 55: *Provided,* That

(1) The re-sale is made to a consumer of second hand bags for use by such consumer in packaging a commodity;

(2) Such premium is not divided with any other person; and

(3) An invoice is delivered to the purchaser showing the amount of such charges and the shipping points between which the freight added was incurred.

(f) *Export sales.* The maximum price at which a person may export second hand bags shall be determined in accordance with the provisions of the Maximum Export Price Regulation [8] issued by the Office of Price Administration on April 25, 1942.

(g) *Deposit charges and liquidated damages in lease or loan arrangements.* The maximum amount which may be required by or paid to any person as a deposit on, or as predetermined liquidated damages for failure to return, a second hand bag leased or loaned by him as a part of a transaction involving the sale or delivery of a product packaged therein, shall be the maximum price for second hand unprocessed or as rise bags of the same type, size and weight determined in accordance with this Maximum Price Regulation No. 55: *Provided,* That the provisions of this paragraph shall not apply to the deposit charged or liquidated damages provided for in the case of a lease or loan of a second hand cement bag leased or loaned as a part of a transaction involving the sale or delivery of cement packaged therein.

§ 1330.60a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1330.56, § 1330.58 (a) (6) and § 1330.61 (a), (b), (c), (e), (f) and (g)) to Maximum Price Regulation No. 55 shall become effective May 25, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4701; Filed, May 21, 1942; 5:07 p. m.]

[8] 7 F.R. 3096.

PART 1340—FUEL

[Amendment No. 2 to Maximum Price Regulation No. 122 [1]]

MISCELLANEOUS SOLID FUELS DELIVERED FROM FACILITIES OTHER THAN PRODUCING FACILITIES—DEALERS

A statement of the considerations involved in the issuance of this Amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (e) of § 1340.261 is redesignated paragraph (e) (1) and a new subparagraph (2) is added thereto, as set forth below:

§ 1340.261 *Appendix A: Maximum prices for solid fuels delivered from facilities other than producing facilities.* * * *

(e) (1) * * *

(2) Notwithstanding any other provision of this Maximum Price Regulation No. 122, the maximum price for the sale of solid fuel for use as railroad fuel, by a person subject to this Maximum Price Regulation No. 122, for delivery at or from a dock located on the west bank of Lake Michigan or on the United States side of Lake Superior, shall be the price at which the solid fuel was purchased from the mine, plus the actual cost sustained by such person for transportation of the solid fuel from the mine to the dock, plus the handling and storage charge which such person had in effect for such a sale during the period December 15–31, inclusive, 1941, but in no event to exceed 55 cents per net ton.

§ 1340.260a *Effective dates of amendments.* * * *

(b) Amendment No. 2 (§ 1340.261 (e) (2)) to Maximum Price Regulation No. 122 shall become effective May 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4702; Filed, May 21, 1942; 5:07 p. m.]

[1] 7 F.R. 3239, 3666.

PART 1351—FOODS AND FOOD PRODUCTS

MAXIMUM PRICE REGULATION NO. 150—MILLED RICE

In the judgment of the Price Administrator, prices of milled rice have risen to an extent and in a manner inconsistent with purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of milled rice prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The maximum prices established herein are not below prices which will reflect to producers of rough rice prices for their product equal to the highest of any of the following prices for rough rice, as determined by the Secretary of Agriculture: (1) 110 per centum of the parity prices adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market price prevailing on October 1, 1941; (3) the market price prevailing on December 15, 1941; or (4) the average price during the period July 1, 1919, to June 30, 1929. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are generally fair and equitable and will effectuate the purposes of the said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1] issued by the Office of Price Administration, Maximum Price Regulation No. 150 is hereby issued.

AUTHORITY: §§ 1351.451 to 1351.463, inclusive, issued under Pub. Law 421, 77th Congress.

§ 1351.451 *Maximum prices for milled rice.* On and after May 25, 1942, regardless of any contract, agreement, or other obligation, no rice miller shall sell, offer to sell, or deliver milled rice, and no person shall buy, offer to buy, or accept delivery of milled rice from a rice miller, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.463, except as provided for in § 1351.453. The maximum prices shall not be increased by any charges for the extension of credit, and shall include commissions and all other charges, and shall apply to sales made for export.

§ 1351.452 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1351.463) may be charged, demanded, paid, or offered.

§ 1351.453 *Exempt sales.* The maximum prices for milled rice established herein and the provisions of § 1351.451 are not applicable to sales of milled rice at retail.

§ 1351.454 *Conditional agreements.* No person selling milled rice, which sale is subject to the maximum prices set forth in Appendix A (§ 1351.463), shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices set forth in Appendix A (§ 1351.463) in the event that this Maximum Price Regulation No. 150 is amended or is determined by court to be invalid, or upon any other contingency: *Provided,* That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or for exception, as the case may be.) Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception.)

§ 1351.455 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 150 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, or purchase of, or relating to, milled rice, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1351.456 *Records and reports.* (a) Every rice miller making sales of milled rice, which sales are subject to the maximum prices set forth in Appendix A (§ 1351.463) herein, and every person making purchases of milled rice, which purchases are subject to the maximum prices set forth in Appendix A (§ 1351.-463) herein, after May 24, 1942 shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale or purchase, showing the date thereof, names and addresses of the buyer and seller, the prices contracted for, or paid, or received, and the variety and amount sold or purchased.

(b) Such sellers and such purchasers shall submit such reports to the Office of Price Administration and keep such other records in addition to, or in place of, the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require or permit.

§ 1351.457 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 150 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 150, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest Field or Regional Office of the Office of Price Administration, or its principal Office in Washington, D. C.

§ 1351.458 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 150 supersede the provisions of the General Maximum Price Regulation with respect to sales or deliveries of milled rice for which maximum prices are established by this regulation.

§ 1351.459 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 150, or an adjustment or exception not provided for herein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 issued by the Office of Price Administration.

§ 1351.460 *Definitions.* (a) When used in this Maximum Price Regulation No. 150, the term;

(1) "Person" includes an individual, corporation, partnership, association, any other organized group of persons, legal successor or representative of any of the foregoing, and includes the United States, any agency thereof, any other government, or any of its political subdivisions, and any agency of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly. Nothing in this Maximum Price Regulation No. 150 shall be construed to prohibit the making of a contract to sell milled rice at a price not to exceed the maximum price at the time of delivery or supply.

(3) "Milled rice" means the whole or broken kernels of rice from which the hulls and practically all of the germs and bran layers have been removed, which may be either coated or uncoated, and which does not contain more than 10 percent of cereal grains, including paddy grains, seeds, or foreign material either singly or in any combination.

(4) "Pocket" means a bag or other container of 100 pounds net of milled rice.

(5) "Sale at retail" means a sale to an ultimate consumer other than an industrial or commercial user or Government agency.

(6) "To deliver" means to transfer actual possession of the milled rice to the purchaser or to any carrier, including a carrier owned or controlled by the seller, for shipment to the purchaser.

(7) "Records" includes books of account, sales lists, sales slips, orders, vouchers, contracts, receipts, invoices, bills of lading, and other papers and documents.

§ 1351.461 *Applicability.* The provisions of this Maximum Price Regulation No. 150 shall be applicable to the United States, its territories and possessions, and the District of Columbia.

§ 1351.462 *Effective date.* Maximum Price Regulation No. 150 (§ § 1351.451 to 1351.463, inclusive) shall become effective May 25, 1942.

§ 1351.463 *Appendix A: Maximum prices for milled rice*—(a) *Maximum prices at the base points.* Maximum prices at the base points, Crowley, Louisiana; El Campo, Texas; Stuttgart, Arkansas; and San Francisco, California for the varieties and nonvarietal classes of milled rice enumerated in the schedule below in dollars for a 100-pound bag or pocket are f. o. b. conveyance at base points, except that for shipments based on San Francisco to points outside continental United States prices are f. a. s. vessel:

	Base point price
Varieties:	
Blue Rose	$7.00
Early Prolific	6.65
Rexoro	9.75
Lady Wright	6.75
Edith	8.00
Nira	9.75
Fortuna	8.50
Zenith	6.75
American Pearl (Japan)	7.00
Calady	7.00
Nonvarietal classes:	
Screenings	5.25
Brewers	4.75

(b) *Maximum delivered prices within a base point for rice milled in the same base point.* For deliveries within a base

[1] 7 F.R. 971.

point of rice milled in the same base point, the maximum delivered price shall be the maximum base point price plus the customary local delivery charge per 100 pounds, when actually incurred by the seller: *Provided*, That no local delivery charge may be added until the seller shall have filed with the Office of Price Administration in Washington, D. C. a schedule of such customary local delivery charges.

(c) *Maximum delivered prices within a mill point other than a base point for rice milled in the same mill point.* For deliveries within a mill point other than a base point for rice milled in the same mill point, the maximum delivered price shall be the maximum delivered price computed in the same manner as in paragraph (d) of this section plus the customary local delivery charge per 100 pounds, when actually incurred by the seller: *Provided*, That no local delivery charge may be added until the seller shall have filed with the Office of Price Administration in Washington, D. C., a schedule of such customary local delivery charges.

(d) *All other maximum delivered prices.* (1) For non-export shipments the maximum base point prices enumerated in paragraph (a) of this section may be increased by adding the lowest established charge per 100 pounds available for the transportation of an identical shipment of milled rice from the applicable base point to the point of destination.

(2) For export shipments the maximum delivered prices shall be determined in accordance with the provisions of the Maximum Export Price Regulation issued by the Office of Price Administration on April 25, 1942.

(3) For the purpose of determining maximum prices in accordance with the Maximum Export Price Regulation pursuant to the provisions of subparagraph (2) of this paragraph, the maximum domestic prices shall be the maximum base point prices enumerated in paragraph (a) of this section, plus the lowest established charge per 100 pounds for export shipment of milled rice available for the transportation of an identical shipment from the applicable base point to that port to which the lowest established charge per 100 pounds for export shipment of milled rice from such base point applies: *Provided*, That in no event shall the shipping charges from mill to the actual port of exportation be included as part of the shipping charges provided for in the Maximum Export Price Regulation.

(4) In determining the transportation charges pursuant to the provisions of subparagraphs (1), (2) and (3) of this paragraph, where a shipment originates in a place outside of a base point and actually moves at a carload rate, the maximum transportation charge to be added shall be computed at the lowest railroad carload rate from the applicable base point to the point of destination or the port of exportation. Where coastwise or intercoastal shipments are made by water, the maximum delivered prices may be increased further by the addition of charges for war risk cargo insurance, surcharges and emergency charges necessarily incident to the transportation, where actually incurred by the seller. Within the meaning of this paragraph (d) the applicable base point shall be that base point from which the lowest established rate for transportation of milled rice applies to the seller's mill, and the point of destination shall be f. o. b. conveyance at the dock or siding at or in the vicinity of the buyer's warehouse or place of business.

(e) *Definitions of "base point" and "mill point".* Within the meaning of this section, the term "base point" shall include the incorporated area and the established switching district of the base point city; and the term "mill point" shall include the incorporated area and the established switching district of any city in which a rice mill is located. A rice mill shall be deemed located within a city if it is situated within the incorporated area or within the established switching district of such city.

Issued this 22d day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4733; Filed, May 22, 1942; 11:49 a. m.]

PART 1362 — CERAMIC PRODUCTS, STRUCTURAL CLAY PRODUCTS AND OTHER MASON MATERIALS

[Amendment No. 1 to Maximum Price Regulation No. 116[1]]

CHINA AND POTTERY

A statement of the considerations involved in the issuance of this amendment is issued simultaneously herewith and has been filed with the Division of the Federal Register.

Sections 1362.55 (d), 1362.60 (i) and 1362.61 (a) and (b) are amended to read as follows and a new § 1362.63 is added.

§ 1362.55. *Prohibition of hidden price increases.* No manufacturer or exporter may engage in the following practices:

* * * * *

(d) Increasing charges for packing for sales other than sales for exports above 100% in the case of vitreous and 105% in the case of semi-vitreous articles of the charges quoted or in effect on October 15, 1941, to the same general class of purchasers: *Provided*, That a manufacturer who is required by a purchaser to pack china or pottery in a manner for which no charge was quoted or in effect on October 15, 1941, may make a charge which bears the same relation to cost of direct labor and materials for such pack on the date the charge is made, as the charge for the most similar pack bears to direct labor and material costs for such similar pack on the same date.

§ 1362.60 *Definitions.* * * *

(i) "Maximum price" means the price to be received by the manufacturer, and except in the case of sales to departments or agencies of the United States government, includes packing or transportation charges if included in the price used as a base for establishing the maximum price.

* * * * *

§ 1362.61 *Appendix A: Maximum prices for sales of china and pottery by manufacturers*—(a) *United States Government purchases.* The maximum price for the sale to any department or agency of the United States Government of any article of china or pottery identical with an article offered for sale during the period October 1, 1942–April 26, 1942, inclusive, shall be the highest price (after deducting actual charges made for packing and transportation if such charges were included) at which such article was contracted to be sold to the particular department or agency during such period by the same manufacturer, to which maximum price may be added actual transportation charges if the price is to be a delivered price, and a packing charge no higher than that provided for in § 1362.55 (d), if packing charges are to be included in the price. If no sale for such identical article was made to the particular department or agency during such period, the maximum price shall be a price which will yield to the manufacturer the same percentage mark-up over direct labor and material costs which he received on the most comparable article sold to any agency of the United States Government.

(b) *Sales to purchasers other than departments or agencies of the United States Government*—(1) *Articles offered for sale during the period October 1–October 15, 1941.* The maximum price for the sale of any article of china or pottery identical with an article offered for sale by the manufacturer October 1–October 15, 1941, inclusive, shall be 100% in the case of vitreous articles and 105% in the case of semi-vitreous articles:

(i) Of the highest price quoted for such identical article by the manufacturer in such period to the same general class of purchasers, where the class customarily purchased at a price in a price list or other regular quotation (or standard discount therefrom); or

(ii) Of the highest price at which such identical article was sold by the manufacturer in such period to the same general class of purchaser where the class customarily purchased at a special price for each order.

(2) *Articles first offered for sale during the period October 16, 1941–April 27, 1942.* The maximum price for the sale of any article of china or pottery identical with an article first offered for sale by the manufacturer in the period October 16, 1941–April 27, 1942, shall be 100% in the case of vitreous articles and 105% in the case of semi-vitreous articles.

(i) Of the highest price quoted for such identical article by the manufacturer in such period to the same general class of purchasers where the class customarily purchased at a price in a price list or other regular quotation (or standard discount therefrom); or

(ii) Of the highest price at which such identical article was sold by the manu-

[1] 7 F.R. 3036.

facturer in such period to the same general class of purchaser where the class customarily purchased at the special price for each order: *Provided,* That the maximum price for any such article shall in no instance be higher than a price in line with the maximum price under paragraph (b) (1) of this section of the most comparable article for which a maximum price is therein established.

(3) *Semi-vitreous articles customarily sold on a pound sterling basis.* In the case of semi-vitreous articles customarily sold on a pound sterling basis, the manufacturer may:

(i) Sell all such articles at the price in the pound sterling price scale which price scale, to the nearest quarter of a dollar pound sterling, equals 105% of the pound sterling price scale under which the article was sold during the base period; or

(ii) Sell all such articles at a price equal to 105% of the dollar price at which the particular article was sold during the base period.

* * * * *

§ 1362.63 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1362.55 (d), 1362.60 (i), 1362.61 (a) and (b), and 1362.63) to Maximum Price Regulation No. 116 shall become effective May 22, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of May 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-4734; Filed, May 22, 1942; 11:50 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

BURIAL AND FUNERAL EXPENSES AND TRANSPORTATION OF BODIES OF VETERANS

Revision of §§ 5.2692, 5.2694, 5.2696, 5.2700, 5.2702, 5,2704, 5.2706, and new §§ 5.2699, 5.2703, 5.2705 and 5.2707.

§ 5.2692. *Payment of burial expenses of deceased war veterans and veterans of the regular establishment.* * * *

(b) *Death on or after March 20, 1933.* When a veteran of any war as defined in § 5.2694 dies or is buried on or after March 20, 1933, an amount not to exceed $100 shall be allowed for burial and funeral expenses and transportation of the body (including preparation of the body) to the place of burial, if otherwise entitled under the provisions of §§ 5.2692 to 5.2707.

* * * * *

(d) *Limitation as to time for filing and perfecting claim.* * * *

(2) Where the death or burial of a veteran occurred on or after March 20, 1933, and claim for burial allowance was not filed, or was filed after the expiration of the regulatory period, or was filed within the regulatory period and disallowed because the evidence necessary to complete the claim was not timely filed, or was filed within the regulatory period and disallowed in whole or in part because of a payment made by a lodge, union, fraternal organization, society, beneficial organization, insurance company, or because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services, a claim filed within two years after October 17, 1940, shall be adjudicated under the provisions of §§ 5.2692 to 5.2707 inclusive: *Provided,* * * * (54 Stat. 1195; 38 U.S.C. 507a) (May 22, 1942)

§ 5.2694 *Definition of "veteran of any war"*—(a) *Persons included.* The term "veteran of any war" for the purpose of adjudicating claims for direct payment of, or reimbursement for burial, funeral and transportation expenses incurred in behalf of deceased veterans where death was on or subsequent to March 20, 1933, will include:

* * * * *

(7) Any enlisted man or officer of the Army, Navy, Marine Corps, or Coast Guard in retirement status at the date of death if shown to have served honorably during the period of any war. Where death occurs on or after March 28, 1934, (except as provided in (b) of this section), and the other requirements of this paragraph have been met, an honorable discharge will not be required if the veteran was in receipt of pension, compensation or emergency officers retirement pay at the time of his death. (§ 35.09)

(b) *Persons not included.* Except as provided in § 5.2696 (c), a discharged or rejected draftee or selectee; a member of the National Guard who reported to camp in answer to the President's call, for World War service, but who when medically examined was not finally accepted for active military service; or an alien who does not come within the purview of § 2.1001 (j), is not a "veteran of any war" within the meaning of that term as defined in paragraph (a) hereof, even though such person may have been in receipt of compensation or pension. (§ 35.09) (53 Stat. 1070; 48 Stat. 11; 38 U.S.C. 706b, 717, 718) (May 22, 1942)

§ 5.2696 *Death occurring while traveling under prior authorization or in a Veterans Administration facility.* * * *

(b) When death occurs in a Veterans Administration facility within the continental limits of the United States, on or subsequent to March 20, 1933, there will be paid the actual cost (not to exceed $100) of burial and funeral and the body will be transported to the place of burial within the continental limits of the United States or to the place of burial in Alaska if the veteran was a resident of Alaska and had been brought to the United States as a beneficiary of the Veterans Administration for hospital or domiciliary care. Where death occurs while hospitalized under authority of the Veterans Administration in a territory or possession of the United States, there will be paid (not to exceed $100) the actual cost of burial and funeral and the body will be transported to the place of burial within such territory or possession (Public No. 866, 76th Congress). If death occurs in a Veterans Administration facility within the continental limits of the United States and burial is to be made without the continental limits of the United States (except Alaska as set forth in the first sentence of this paragraph) transportation will be allowed to the port of embarkation or to the border limits of the United States where burial is in Canada or Mexico.

(1) The provisions outlined in paragraph (b) of this section will also apply in the adjudication of any claim pending on October 17, 1940; and in any claim which is reopened under the provisions of § 5.2692 (d) (2) and (3).

(c) Reimbursement shall be allowed for burial, funeral and transportation expenses in the case of a discharged or rejected draftee; a member of the National Guard who reported to camp in answer to the President's call for World War service, but who, when medically examined, was not finally accepted for active military service, who dies in a Veterans Administration facility, to which properly admitted under the provisions of § 25.6047, in the same manner as for a veteran dying in a Veterans Administration facility. (§ 35.09). (See § 5.2694 (b).)

* * * * *

(2) Where death of a person occurs in a Veterans Administration facility and it is determined that such person was not properly entitled to hospital treatment no reimbursement of burial, funeral, and transportation expenses will be allowed. (See § 35.06 and currently effective supply procedure concerning disposition of bodies of persons not entitled to statutory burial allowance.)

(d) A veteran member or patient of a Veterans Administration facility who dies away from such facility from which he has been granted a pass or a leave of absence of not to exceed seven days, or who has been absent without leave from such facility for not to exceed seven days, may be considered to have died in a Veterans Administration facility within the meaning of the law and regulations governing the payment of burial expenses. (48 Stat. 9; 38 U.S.C. 707) (May 22, 1942)

* * * * *

§ 5.2699 *Assets.* Where death occurred on or after March 20, 1933 and before June 29, 1936 (effective date of Public No. 844, 74th Congress) the burial allowance unless payable under the provisions of § 5.2696 shall not be allowed if the veteran's net assets at the time of death, exclusive of debts and accrued pension, compensation, or insurance due at time of death, equal or exceed the sum of $1000. (48 Stat. 11; 38 U.S.C. 717, 718) (May 22, 1942.)

§ 5.2700 *Filing of claim for unauthorized burial, funeral, and transportation expenses.* * * *

(d) *Waiver by distributees.* In any instance where the burial, funeral and transportation expenses of a deceased veteran have been paid from the funds of the veteran's estate or some other deceased person's estate and the identity and right of all persons to share in that estate have been established, the amount of the statutory burial allowance payable to heirs may be awarded to one heir upon the unconditional written consent of all other heirs. No payment will be authorized where there are no heirs and the money, if paid, would escheat. (The provisions of this paragraph not to be confused with currently effective adjudication procedure where payment is made on an account from personal funds by two or more persons) (48 Stat. 9; 38 U.S.C. 707) (May 22, 1942)

§ 5.2702 *Allowable expenses of burial, funeral, and transportation.* (a) (1) For the purpose of regulations governing the payment of burial, funeral, and transportation expenses, the following items and articles will be considered as allowable:

* * * * *

Watchers, necessary fee for watchers not exceed $10 for each or a total of $20 and such other necessary burial and funeral expenses as are reasonable, not to exceed $100. The cost of flowers (other than door badge) flower car, obituary notices and state tax will not be allowed, neither will items of food nor drink be paid for, in either domestic or foreign cases.

(2) *Duplicate items.* Payment may not be made for duplicate items of service such as casket, clothing, etc., previously furnished by any Federal agency. (48 Stat. 9; 38 U.S.C. 707) (May 22, 1942)

(b), (c), (d), (e), (f), (g) and (h) canceled and superseded by §§ 5.2703, 5.2704, and 5.2705.

§ 5.2703 *Transportation; death in a Veterans Administration facility or while traveling under prior authorization*—(a) *Items allowable as part of transportation where shipment is by common carrier.* In adjudicating claims where death of a person occurs in a Veterans Administration facility or while traveling under prior authorization of the Veterans Administration, either to or from a Veterans Administration facility or regional office, and the remains are shipped by common carrier, the following items will be considered as part of transportation expense, the cost of which will be allowed in addition to the statutory allowance of $100:

(1) Original pick-up of remains at facility or place where death occurred while traveling under prior authorization (§ 5.2696 (a)). A reasonable amount will be allowed for this "pick-up" but it will not exceed the usual and customary charge made to the general public for the same service.

(2) Procuring permit for shipment.

(3) Outside case for shipment.

(4) Sealing outside case (tin or galvanized iron).

(5) Hearse to common carrier.

(6) Transportation by common carrier.

(7) One removal by hearse direct from common carrier plus one subsequent removal by hearse to place of burial.

(b) *Items allowable as part of transportation where remains are transported overland by hearse.* In adjudicating claims where death of a person occurs in a Veterans Administration facility or while traveling under prior authorization of the Veterans Administration, either to, or from, a Veterans Administration facility or regional office and the remains are transported overland by hearse, the following items will be considered as a part of transportation expense, the cost of which will be allowed in addition to the statutory allowance:

(1) (a) Original pick-up of remains from the facility or place where death occurred while traveling under prior authorization (§ 5.2696 (a)) prior to transfer to place of burial and

(b) Reasonable cost of subsequent removal from the place to which transported on original pick-up under (a) above to place of burial. The reasonableness of transportation charges against the Veterans Administration accomplished by means other than by common carrier will be determined by employees authorized to make findings of fact and law in burial claims, but the amount to be allowed shall not exceed the charge made the general public for the same service. (54 Stat. 1195; 38 U.S.C. 555a, 715a) (May 22, 1942)

§ 5.2704 *Payments on burial by lodge, union, burial association, State, county, political subdivision, or Federal Agency.* (a) Nothing in §§ 5.2692 to 5.2707 inclusive, shall be construed to cause the disallowance of a claim by the Veterans Administration because of any payment made on burial and funeral (including transportation) by a State, county, or other political subdivision, Workmen's Compensation Commission, State Industrial Accident Board, employer, burial association or Federal Agency, unless the amount of expenses incurred is absorbed by the amount actually paid for burial and funeral (including transportation) purposes by such agencies: *Provided,* That no claim shall be allowed for more than the difference between the entire amount of expenses incurred, and the amount paid by any or all of the foregoing agencies: *Provided further,* That in no instance shall the amount allowed exceed $100. Nothing herein shall be construed to cause the denial of, or a reduction in, the amount of burial allowance otherwise payable because of a cash contribution made by a burial association to any person other than the person rendering burial and funeral services.

(1) Contributions by Lodge, Union, Fraternal Organization, Society or Beneficial Organization, Insurance Company: Any contributions made by lodge, union, fraternal organization, society or beneficial organization or insurance company by reason of the death of a veteran will not constitute a bar to the payment of the statutory burial allowance, except where such funds would revert to the funds of the lodge, union, fraternal organization, beneficial association or organization.

(b) *Federal agency.* In no event shall the burial allowance be paid when the veteran died while in the active service of the Army, Marine Corps, Coast Guard or Navy, except that with regard to the Navy this proviso is not effective in cases of veterans having previously been discharged or retired from service as defined in §§ 5.2694 and 5.2695 where burial services were rendered prior to July 1, 1941; or while on active duty with the National Guard as authorized by section 38 National Defense Act, or while a member of the National Guard when en route to or from or during attendance at encampment, maneuvers, or other exercises or at service schools authorized by sections 94, 97, and 99 of the National Defense Act or while on active duty with the Organized Reserves, Reserve Officers Training Camp, Citizens Military Training Camp or similar organizations, or while enrolled in the Civilian Conservation Corps, or while in employment covered by the United States Employees Compensation Act, or other similar laws providing for the payment of expenses of funeral, transportation and interment out of funds appropriated by the Federal Government. Claims for statutory burial allowance shall not be denied solely because of a provision in any Federal law or regulation permitting the application of funds due or accrued to the credit of the deceased toward the expenses of funeral, transportation and interment as distinguished from a provision specifically prescribing a definite allowance for such purpose. (48 Stat. 11; 38 U.S.C. 717, 718; 54 Stat. 144; 34 U.S.C. 924–929) (May 22, 1942)

§ 5.2705 (a) *Cost of services furnished by a Veterans Administration facility to be deducted.* In the adjudication of claims filed under § 5.2696, the cost of services (burial and funeral) furnished by a Veterans Administration facility will be deducted from the burial allowance.

(b) *Reimbursement for cost of flags.* Subsequent to April 14, 1933, no reimbursement may be allowed for burial flags privately purchased by relatives, friends, or other parties (§ 35.09).

(c) *Forfeiture.* Forfeiture of benefits by a veteran under the provisions of section 504, World War Veterans Act, as amended, or section 15 of Public No. 2, 73d Congress, shall not preclude payment of the statutory burial allowance where the death of the veteran occurred on or subsequent to October 17, 1940. (Sec. 9, Pub. No. 866, 76th Congress) (54 Stat. 1195; 38 U.S.C. 555a, 715a) (May 22, 1942)

§ 5.2706 *Burial in National Cemeteries; allowances provided.* The allowances provided in §§ 5.2692, 5.2696, and 5.2698 hereof, will apply to the burial of the veterans mentioned therein, in a National Cemetery under the provisions of section 4787 of the Revised Statutes of the United States, when the following conditions have been met;

(a) Such burial is desired by the person or persons entitled to the custody of the body for purposes of interment.

(1) In case the body is unclaimed by relatives or friends and there are no known assets, the official named in paragraph (c) of this section when notified, will immediately complete arrangements for burial in a National Cemetery.

(b) Permission for such burial has been received from the proper officers having jurisdiction over burials in National Cemeteries.

(c) Approval is obtained from and all arrangements are made with the manager of the region in which the death occurred. (48 Stat. 9; 38 U.S.C. 707) (May 22, 1942)

§ 5.2707 *Official representation at funeral.* When requested by the person entitled to the custody of the body of a deceased beneficiary of the Veterans Administration, official representation at the funeral will be granted provided an employee is available for this purpose and that this representation will entail no expense to the Veterans Administration. (48 Stat. 9; 38 U.S.C. 707) (May 22, 1942)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42-4697; Filed, May 21, 1942; 3:15 p. m.]

Notices

WAR DEPARTMENT.

APPROVAL OF PURCHASES OR EXCHANGES OF MOTOR-PROPELLED PASSENGER-CARRYING VEHICLES

NOTICE TO THE HEADS OF ALL FEDERAL DEPARTMENTS AND AGENCIES

MAY 18, 1942.

1. Reference is made to section 6 of the Act of April 28, 1942 (War Department Civil Appropriation Act, 1941, Public Law 527, 77th Congress) which reads as follows:

SEC. 6. No part of any money appropriated by this Act or any other Act, except the appropriation "Contingent expenses, Executive Office", and Acts making appropriations for the Military and Naval Establishments, shall be used for the purchase or exchange of any motor-propelled passenger-carrying vehicle without the specific approval of the Secretary of War.

2. To deal with the administrative investigations which must be made, a Motor Purchases Approval Section has been established in the Purchases Branch, Procurement and Distribution Division, Services of Supply, War Department. With respect to any purchases or exchanges, which are to be made through the Treasury Department, Procurement Division, applications for the approval of the Secretary of War will be submitted to that division, 7th and D Streets SW., Washington, D. C. With respect to all other purchases or exchanges, applications for the approval of the Secretary of War will be submitted directly to the Motor Purchases Approval Section for examination and recommendation. The Chief of the Motor Purchases Approval Section will furnish to each applicant a certificate of the action taken with respect to his application.

3. No special form of application for the approval of the Secretary of War will be required but applications shall be submitted in duplicate, and shall contain the following information:

(a) Type and model of car to be purchased and reasons for its acquisition.

(b) If the application is for a replacement, a statement of type, year of manufacture, mileage and condition of car to be replaced.

(c) Certificate from the administrative assistant of the department or agency, or from its chief administrative officer, as to the necessity of acquiring the cars to be purchased or exchanged.

(d) In all cases where the approval of such purchases or exchanges by the Office of Price Administration is required, a reference to the number and date of the certificate of approval issued by that office. (In cases where the purchase is to be made by the Treasury, Procurement Division, that division will supply this information.)

(e) Name, address, and telephone number (including departmental extension number) of the person associated with the applicant who has full information about the application.

If the approval of the Office of Price Administration is required, a copy of O. P. A. Application Form R-216, shall be submitted with the application.

The Chief of the Motor Purchases Approval Section in any case may require the submission of any further information which he may deem relevant.

4. Correspondence should be addressed to: Motor Purchases Approval Section, Purchases Branch, Procurement and Distribution Division Services of Supply, War Department, Washington, D. C.

Telephone inquiries should be addressed to the Chief of the Motor Purchases Approval Section, Republic 6700, War Department Extension No. 71438.

5. Approval of an application by the War Department does not dispense with the necessity of clearance of the purchase or exchange with any other Federal department or agency, the approval of which may be required. All such clearances shall be completed before an application is filed with this Department, otherwise than by filing such an application with the Treasury, Procurement Division.

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 42-4736; Filed, May 22, 1942; 11:52 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-246]

G. C. HICKEY COAL CO., CODE MEMBER

ORDER POSTPONING HEARING AND REDESIGNATING EXAMINER

In the matter of G. C. Hickey and Clyde Hickey, individually and as copartners, doing business under the name and style of G. C. Hickey Coal Company, Code Member.

The above-entitled matter having been heretofore scheduled for hearing on June 3, 1942, at 1:30 p. m. at a hearing room of the Division at the Court Room, City Hall, Middlesboro, Kentucky; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from June 3, 1942, at 1:30 p. m. to June 25, 1942, at 10:00 a. m., at the place heretofore designated; and

It is further ordered, That Travis Williams, or any other officer of the Division that may be designated, shall preside at such hearing vice Charles S. Mitchell.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-4721; Filed, May 22, 1942; 11:19 a. m.]

[Docket No. D-17]

CONTINENTAL COAL CO.

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

In the matter of the application of Continental Coal Company for permission to receive sales agents' commissions and distributors' discounts on coal sold to certain retail yards in which it is financially or otherwise interested.

The hearing in the above-entitled matter having been scheduled on May 19, 1942, at Billings Commercial Club, Billings, Montana, by an Order of the Division dated April 24, 1942, and said hearing having been postponed by an Order of the Division dated May 7, 1942, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on June 30, 1942, at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Examiner Joseph A. Huston preside at said hearing vice Examiner Edward J. Hayes.

It is further ordered, That the time within which persons may file notices of their desires to be heard at such hearing

be, and it hereby is, extended to and including June 27, 1942.

It is further ordered, That the Notice of and Order for Hearing dated April 24, 1942, as amended by Order of the Division herein, dated May 7, 1942, shall in all other respects remain in full force and effect.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4722; Filed, May 22, 1942; 11:19 a. m.]

[Docket Nos. B-189, B-190]

WHEELING VALLEY COAL CORPORATION, AND COVE HILL COAL COMPANY, A CORPORATION, CODE MEMBERS

ORDER POSTPONING HEARINGS AND REDESIGNATING EXAMINER

The above-entitled matters having been heretofore scheduled for hearings on May 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at Room 806, Walker Building, Washington, D. C.; and

The place of hearings having been subsequently changed from Washington, D. C., to Courtroom No. 4, New Federal Building, Pittsburgh, Pennsylvania, by Order dated May 15, 1942; and

The above-named code members now having filed motions with the Division that the hearings in the above-entitled matters be postponed from May 25, 1942 to June 8, 1942; and

It appearing to the undersigned that the hearings in the above-entitled matters should be postponed;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be, and the same hereby are, postponed from May 25, 1942, at 10 a. m. to June 15, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Courtroom No. 4, New Federal Building, Pittsburgh, Pa.; and

It is further ordered, That Scott A. Dahlquist or any other officer of the Division that may be designated shall preside at such hearings vice Floyd McGown; and

It is further ordered, That the Notices of and Orders for Hearing, dated April 18, 1942, in the above-entitled matters, as amended by Order dated May 15, 1942, shall, in all other respects remain in full force and effect.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4723; Filed, May 22, 1942; 11:19 a. m.]

[Docket No. B-230]

RAMSAY COLLINS FUEL CO., CODE MEMBER

ORDER POSTPONING HEARING

In the matter of Ray A. Collins, individually and as surviving partner of the former partnership doing business under the name and style of Ramsay-Collins Fuel Company (Ramsay Collins Fuel Company), Code Member.

The above-entitled matter by Order dated May 13, 1942, having been scheduled for hearing at 10 a. m. on June 3, 1942, at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m. on June 3, 1942, to a time and place to be hereafter designated by an appropriate Order of the Division.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4724; Filed, May 22, 1942; 11:19 a. m.]

[Docket No. B-253]

PIERCE & HUNTSMAN, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

In the matter of Francis M. Pierce and Arthur Huntsman, individually and as copartners doing business under the name and style of Pierce & Huntsman, Code Member.

A complaint dated April 23, 1942, pursuant to provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on April 29, 1942, by Bituminous Coal Producers Board for District No. 4, a district board, complainant, with the Bituminous Coal Division (the "Division") alleging wilful violation by Francis M. Pierce and Arthur Huntsman, individually and as copartners doing business under the name and style of Pierce & Huntsman, a partnership (the "code member") of the Bituminous Coal Code (the "Code") or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on June 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Common Pleas Court Room, Muskingum County Court, Zanesville, Ohio.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Code or directing the code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named code member as follows:

The code member producer whose address is 717 Bond Avenue, Barnesville, Ohio, and whose code membership became effective as of June 12, 1941, during the period June 12, 1941 and December 16, 1941, both dates inclusive, sold and delivered by truck approximately 694.78 net tons of mine run coal, produced at its Peacock Mine, Mine Index No. 544, located in Belmont County, Ohio, District No. 4, to the Board of Trustees of Public Affairs of the Village of Barnesville, Ohio, at $2.25 per net ton, at the Power House of the Village Water Works, Barnesville, Ohio, a distance of approximately ten (10) miles from said mine, whereas the effective minimum price for said coal was $2.20 per net ton f. o. b. the mine, plus an amount equal, as nearly as practicable to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character, from the transportation facilities at said mine to the point from which all such charges were assumed and directly paid by said purchaser, as established in the Schedule of Effective Minimum Prices for

District No. 4, For Truck Shipments, and Price Instruction No. 6, as contained in Supplement No. 1 to said Schedule, thereby resulting in a wilful violation of section 4 Part II (e) and (g) of the Act, and Part II (e) and (g) of the Code.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4725; Filed, May 22, 1942; 11:21 a. m.]

[Docket No. B-239]

THOS. SNEED COAL CO., CODE MEMBER

ORDER POSTPONING HEARING

In the matter of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners doing business under the name and style of Thos. Sneed Coal Company, Code Member.

The above-entitled matter by Order dated May 13, 1942 having been scheduled for hearing at 10 a. m. on June 1, 1942, at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Macon, Missouri; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m. on June 1, 1942 to a time and place to be hereafter designated by an appropriate order.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4726; Filed, May 22, 1942; 11:21 a. m.]

[Docket Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, 1462-FD]

PUBLIC SERVICE CO. OF INDIANA

ORDER OF THE ACTING DIRECTOR

In the matter of the applications of Public Service Company of Indiana for exemption under section 4-A of the Bituminous Coal Act of 1937.

The Acting Director of the Bituminous Coal Division entered an Order dated January 21, 1942, in the above-entitled proceedings, providing that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed but in no event later than sixty (60) days from January 21, 1942.

The effective date of the denial of the said applications for exemption has been extended from time to time by orders of the Acting Director modifying the Order dated January 21, 1942.

On May 20, 1942, Public Service Company of Indiana filed a motion requesting that the Order dated January 21, 1942, be further modified to provide that the denial of the exemption be effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed but in no event later than one hundred and fifty (150) days from January 21, 1942. In support of the motion, Public Service Company of Indiana alleges that it will be injurious to it and detrimental to the public interest if the above exemptions are denied prior to the time that minimum prices are established for the coals produced at the mines in question. It appears, therefore, that because of the conditions set forth an extension of time should be granted but not to exceed thirty (30) days.

Now, therefore, it is ordered, That the Order of the Acting Director dated January 21, 1942, be and it hereby is further modified to the extent that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be, and they hereby are, denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than one hundred and fifty (150) days from January 21, 1942.

Dated: May 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-4727; Filed, May 22, 1942; 11:32 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 742]

PAN AMERICAN-GRACE AIRWAYS, INC.

NOTICE OF HEARING

In the Matter of the Application of Pan American-Grace Airways, Inc., for amendment of its certificate of public convenience and necessity under section 401 (h) of the Civil Aeronautics Act of 1938, as amended, so as to authorize air transportation of persons, property and mail between Antofogasta, Chile and Salta, Argentina, and between Quito, Ecuador and Ipiales, Colombia.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing is hereby assigned to be held on May 25, 1942, 10 a. m. (eastern standard time) in the Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Dated at Washington, D. C., May 21, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-4717; Filed, May 22, 1942; 10:46 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-109, G-112]

ILLINOIS COMMERCE COMMISSION, NATURAL GAS PIPELINE CO. OF AMERICA, AND TEXOMA NATURAL GAS CO.

ORDER RESUMING HEARING

MAY 19, 1942.

In the Matter of Illinois Commerce Commission, Complainant v. Natural Gas Pipeline Company of America and Texoma Natural Gas Company, Defendants; and In the Matter of Natural Gas Pipeline Company of America and Texoma Natural Gas Company.

It appearing to the Commission that: Pursuant to its orders of October 14, 1938, and April 14, 1939, a public hearing was begun on May 8, 1939, in the above-entitled matters, which hearing continued from time to time until January 10, 1940, upon which day the hearing was adjourned by the Commission's Trial Examiner subject to the further order of this Commission;

The Commission *finds* that: It is advisable, necessary and proper in the public interest to resume the hearing in the above-entitled matters;

The Commission *orders* that: The hearing in the above-entitled matters begun on May 8, 1939, pursuant to the orders of October 14, 1938, and April 14, 1939, and adjourned by the Commission's Trial Examiner on January 10, 1940, subject to the further orders of this Commission, be resumed on July 20, 1942, at 10 a. m., in Room 705, U. S. Customhouse, 610 South Canal Street, Chicago, Illinois, in accordance with the terms and purposes of said orders of October 14, 1938, and April 14, 1939.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-4703; Filed, May 22, 1942; 9:10 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order O. D. T. No. B-1]

COORDINATED OPERATION OF PASSENGER CARRIERS BY MOTOR VEHICLE BETWEEN NEW YORK, NEW YORK, AND WASHINGTON, D. C.

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with this Office by Safeway Trails, Inc., Washington, D. C., Eastern Trails, Inc., Washington, D. C., Quaker City Bus Company, Camden, New Jersey, and Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That

1. Safeway Trails, Inc., Eastern Trails, Inc., Quaker City Bus Company, and Pennsylvania Greyhound Lines, Inc. (hereinafter called "carriers"), respectively, in the transportation of passengers between New York, New York, and Washington, D. C., as common carriers by motor vehicle, are directed to

(a) Honor each other's tickets between all points where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and to afford expeditious service to local passengers, *Provided, however*, That duplication of departure times between Washington, D. C., and Baltimore, Maryland, shall be permitted to the extent necessary to accommodate local passengers at peak hours;

(c) Discontinue existing operation of one-day excursions between New York, New York, and Philadelphia, Pennsylvania;

(d) Discontinue operation of week-end excursions between New York, New York, and Camp Dix, New Jersey, via Trenton, New Jersey, to the end that the traffic between such termini moves over the single line direct route of Quaker City Bus Company.

2. Subject to obtaining prior approval of the appropriate regulatory authority or authorities;

(a) Eastern Trails, Inc., through lease or other arrangement, is directed to make available to the other carriers its operating authority within the State of New Jersey on the routes now served by such other carriers.

(b) Pennsylvania Greyhound Lines, Inc., is directed to suspend its service over U. S. Highway No. 1 between Philadelphia, Pennsylvania, and Baltimore, Maryland, and by lease or other arrangement to transfer to Safeway Trails, Inc., and Eastern Trails, Inc., its operating authority on such route between and within the States of Pennsylvania and Maryland. Safeway Trails, Inc., through lease or other arrangement, is directed to make available to Eastern Trails, Inc., its operating authority on such route within the States of Pennsylvania and Maryland.

(c) Safeway Trails, Inc., is directed to suspend its service over U. S. Highway Nos. 13 and 40 between Philadelphia, Pennsylvania, and Baltimore, Maryland, and by lease or oher arrangement transfer to Pennsylvania Greyhound Lines, Inc., its operating authority on such route.

(d) Pennsylvania Greyhound Lines, Inc., through lease or other arrangement, is directed to make available to Safeway Trails, Inc., and Eastern Trails, Inc., its operating authority within the State of Maryland, on the routes now served by such carriers between Baltimore, Maryland, and Washington, D. C.

3. All applications to regulatory bodies of competent jurisdiction for approvals of the leases or other arrangements provided for herein shall specifically request termination of such leases or arrangements and the approvals thereof upon the expiration of this Order.

This Order shall become effective on the 3d day of June 1942, and shall remain in effect until the further order of this Office. (E.O. 8989, 6 F.R. 6725)

Issued at Washington, D. C., this 18th day of May 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

MAY 18th, 1942.

[F. R. Doc. 42-4719; Filed, May 22, 1942; 10:44 a. m.]